Florida Association of County Attorneys
2017 Midyear CLE Seminar Program
November 16, 2017
1:00 – 5:00 pm
Hyatt Regency Sarasota
Sarasota County
(4 CLE Hours)

10:00 a.m. to 12:30 p.m.	**Meeting of the Florida Association of County Attorneys Board of Directors – Working Lunch**
1:00 p.m.	**Opening Remarks and Welcome** Patrick McCormack, St. Johns County FACA President
1:00 p.m. to 1:30 p.m.	**Poison Pills – The Rise of the Opioids** *Paul J. Napoli* *Napoli Shkolnik, PLLC* *Robert Piper, MA, LMHC* *Vice President of Clinical Development* *First Step Sarasota, Inc.*
1:30 p.m. to 2:15 p.m.	**Tallahassee Halls of Power – Keeping Track** *Mariann Sabolic, President* *LobbyTools, Inc.*
2:15 p.m. to 2:30 p.m.	**Refreshment Break**
2:30 p.m. to 3:00 p.m.	**A Look Ahead 2018 Legislative Session** *Brian Sullivan, Chief Legal Counsel* *Florida Association of Counties*
3:00 p.m. to 3:30 p.m.	**Hot Issues in Employment Law** *Robert J. Sniffen* *FAC General Counsel*
3:30 p.m. to 4:10 p.m.	**Avoiding Recent SEC Enforcement Sweeps in the Municipal Arena** *George A. Smith* *Bryant, Miller & Olive*
4:10 p.m. to 5:00 p.m.	**Local Government Lobbying Regulations – Look Who's Talking** *Andrew P. Lannon, City Attorney* *Peter J. Sweeney, Jr., Deputy City Attorney* *Rodney Edwards, Assistant City Attorney* *City of Palm Bay*
5:00 p.m.	**Closing Remarks** Patrick McCormack, St. Johns County Attorney FACA President

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FACA
FLORIDA ASSOCIATION OF COUNTY ATTORNEYS

2017 Midyear CLE Seminar Program

Poison Pills – The Rise Of The Opioids

November 16, 2017
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Financial Recovery

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These lawsuits seek to achieve financial recovery on behalf of counties to recover the costs associated with the opioid epidemic, including but not limited to:

- First responders/EMT
- Foster care/social services
- Lost workforce productivity
- Coroner/medical examiner/body storage
- Environmental/water/needles and unused pills
- Law enforcement/Narcan/overtime/drug courts
- Healthcare/substance abuse programs/public hospitals

Costs of the Opioid Epidemic

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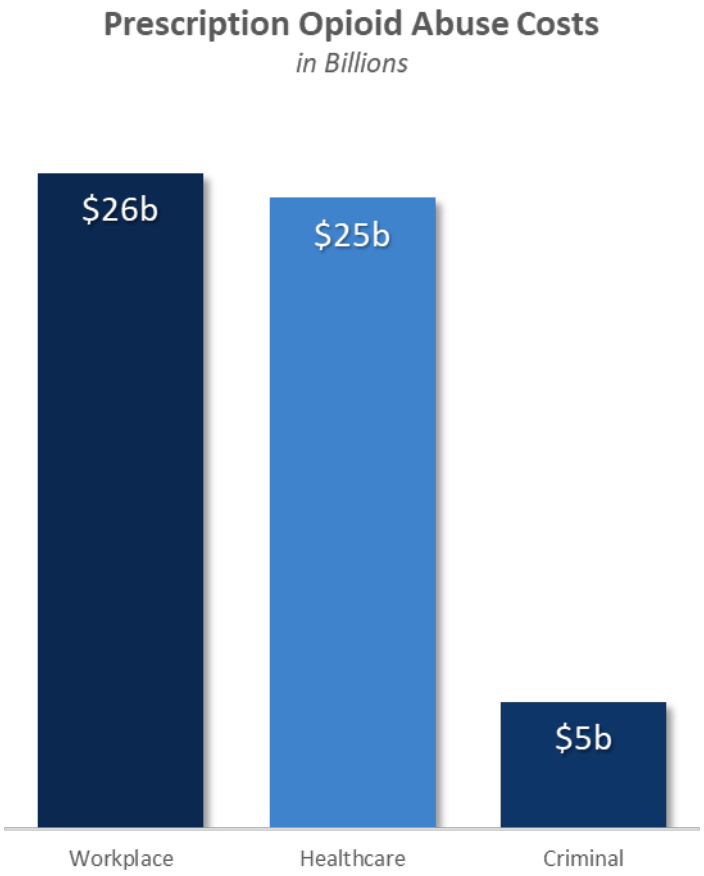
- In the United States, prescription opioid abuse costs are about **$55.7 billion annually***

  Of this amount:

  - 46% is attributable to workplace costs (e.g., lost productivity): $26 Billion
  - 45% to healthcare costs (e.g., abuse treatment): $25 Billion
  - 9% to criminal justice costs: $5 Billion



**Data Source:* CDC, Prescription Drug Overdose data.

What Are Opioids?

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- Opioids include prescription pain relievers, the illegal drug heroin and synthetic opioids such as fentanyl
- These drugs interact with opioid receptors on nerve cells in the body and brain
- They are primarily used for pain relief, including anesthesia and palliative care. They are powerful painkillers, but also highly addictive.

Opioid Prescriptions

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In 2015, over 300 million prescriptions were written for opioids, which is more than enough to give every American adult their own bottle of pills.

- Hydrocodone (e.g., Vicodin)
- Oxycodone (e.g., OxyContin)
- Oxymorphone (e.g., Opana)

National Opioid Deaths

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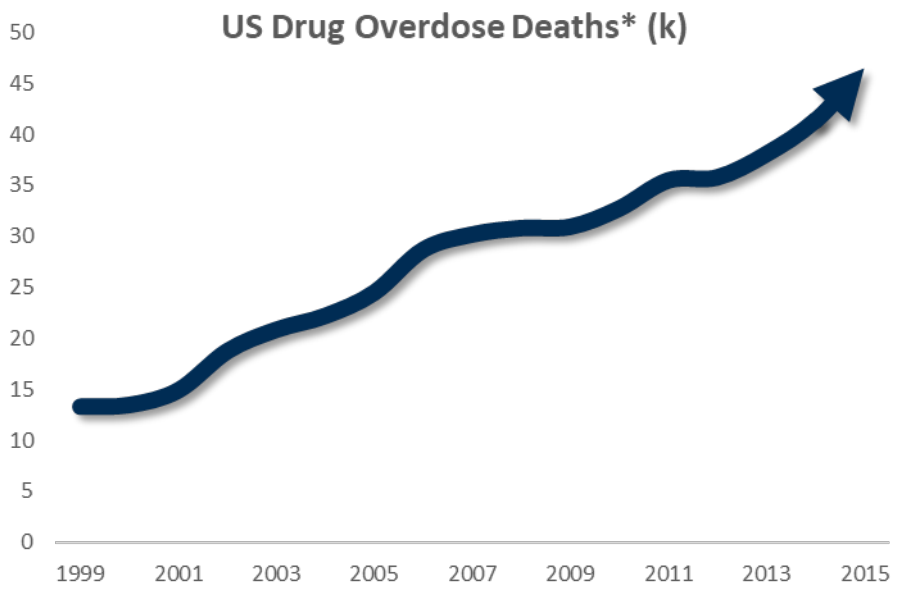
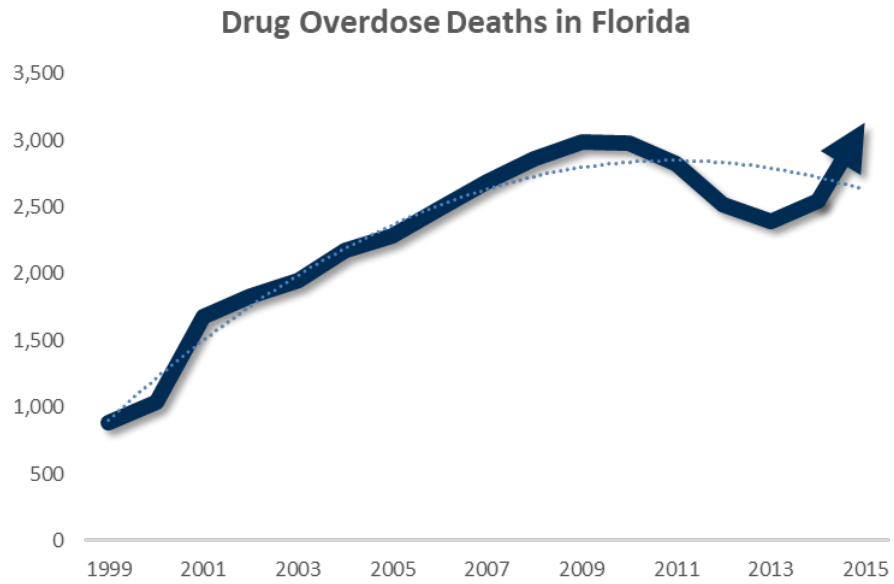
- Opioids have claimed 175,000 lives from 1999-2013.
- In 2013 alone, 16,235 deaths attributed to opioid overdoses.

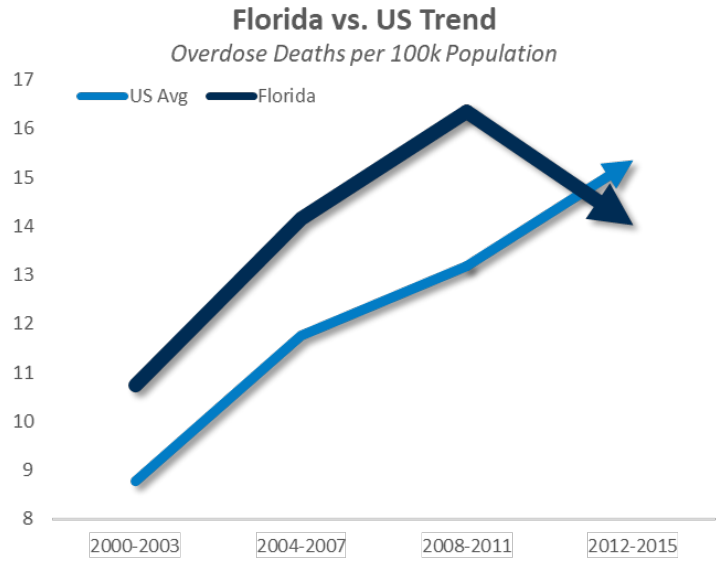


*Centers for Disease Control and Prevention, National Center for Health Statistics. Underlying Cause of Death 1999-2015 on CDC WONDER Online Database, released December, 2016. Data are from the Multiple Cause of Death Files, 1999-2015, as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program. Accessed at http://wonder.cdc.gov/ucd-icd10.html on Jul 26, 2017. ICD-10 Codes: X40–X44, X60–X64, X85, and Y10–Y14

Drug Overdoses in Florida

Longer term trend





◊ Overdose death rates were 20-25% higher than the US average rate from2012-2015 period

*Centers for Disease Control and Prevention, National Center for Health Statistics. Underlying Cause of Death 1999-2015 on CDC WONDER Online Database, released December, 2016. Data are from the Multiple Cause of Death Files, 1999-2015, as compiled from data provided by the 57 vital statistics jurisdictions through the Vital Statistics Cooperative Program. Accessed at http://wonder.cdc.gov/ucd-icd10.html on Jul 26, 2017. ICD-10 Codes: X40–X44, X60–X64, X85, and Y10–Y14

Dispensed Opioids in Florida

Medicare Part D Prescription Claims

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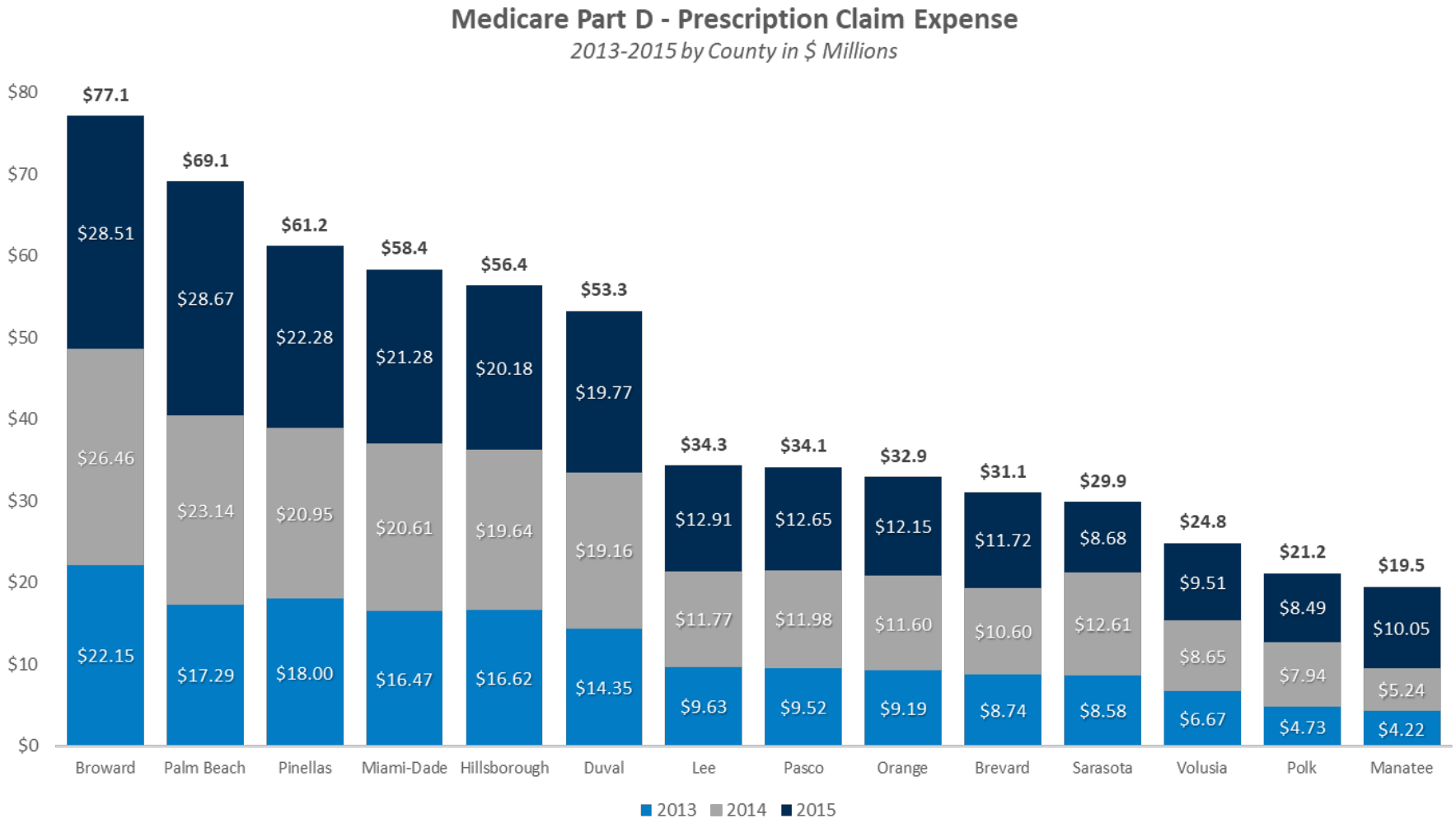

Data Source: Medicare Provider Utilization and Payment Data: Part D Prescriber Public Use File (PUF). Centers for Medicare & Medicaid Services (CMS)

How Did We Get Here?

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- In the 1990s, influential journal articles and KOLs encouraged physicians and decreased the fear of prescribing opioids for chronic pain.
- The pharmaceutical industry began aggressively pushing their drugs, moving from a focus on R&D to marketing.
- Pill mills began popping up around the country as communities were flooded with prescription opioids.
- Over the next decade, people quickly grew addicted to the drugs.
- For many, the addiction evolved into heroin use.

Types of Actions Filed

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Filings on behalf of:

1. Municipalities (counties, cities etc.)
2. States/Attorneys General
3. Individuals
4. Unions and other groups

Causes of Action Brought

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- Negligence
- False Advertising
- Nuisance
- Unfair Competition
- Consumer Fraud
- False Claims
- Fraud
- Unjust Enrichment
- Gross Negligence
- Civil Conspiracy
- Unfair and Deceptive Practices
- Insurance Fraud
- Rico
- Negligence Per Se

Types of Defendants

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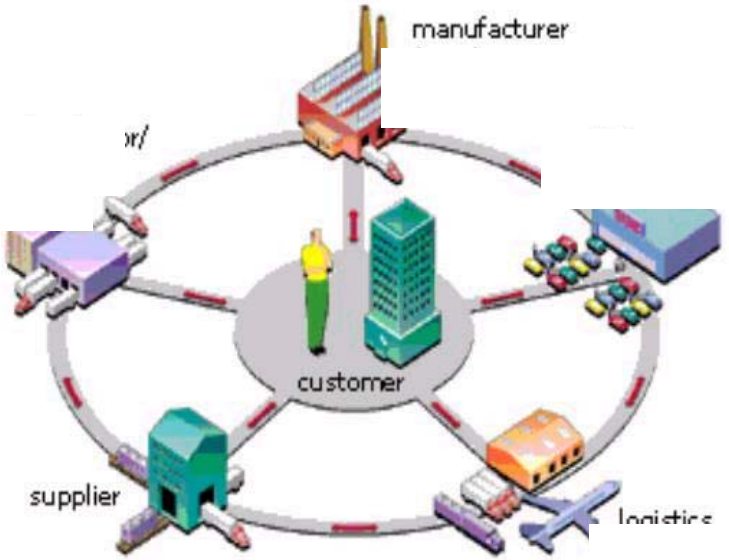
- Drug Manufacturers
- Distributors
- Prescribers
- Key Opinion Leaders ("KOL")
- Pharmacies



Profits From Opioids

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- **Purdue**: Manufactures OxyContin, MS Contin, Dilaudid, Butrans Hysingla ER, Targiniq ER. Since 2009, Purdue has generated between **$2 and $3 billion** annually in sales of OxyContin alone. They are the "grandparent" of the epidemic.
- **Endo**: Manufactures Percocet, Opana, and Opana ER. More than **$1 billion** in revenue for Endo in 2010 and 2013. Endo is now withdrawing Opana ER because of FDA action.
- **Janssen**: Manufactures Duragesic, Nucynta, and Nucynta ER. Duragesic accounted for more than **$1 billion** in sales in 2009.
- **Insys**: Manufactures Subsys, the only available fentanyl spray. In 2016, Insys made over **$215 million** in profits.

Distributors

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- Three main distributors—McKesson Corporation, Cardinal Health, and AmerisourceBergen

- These three account for 85 to 90 percent of all revenues from drug distribution in the country, estimated in 2015 to be $378.4 billion.

- Drug distributors were fined for repeatedly ignoring warnings from the DEA to shut down suspicious sales of hundreds of millions of pills.

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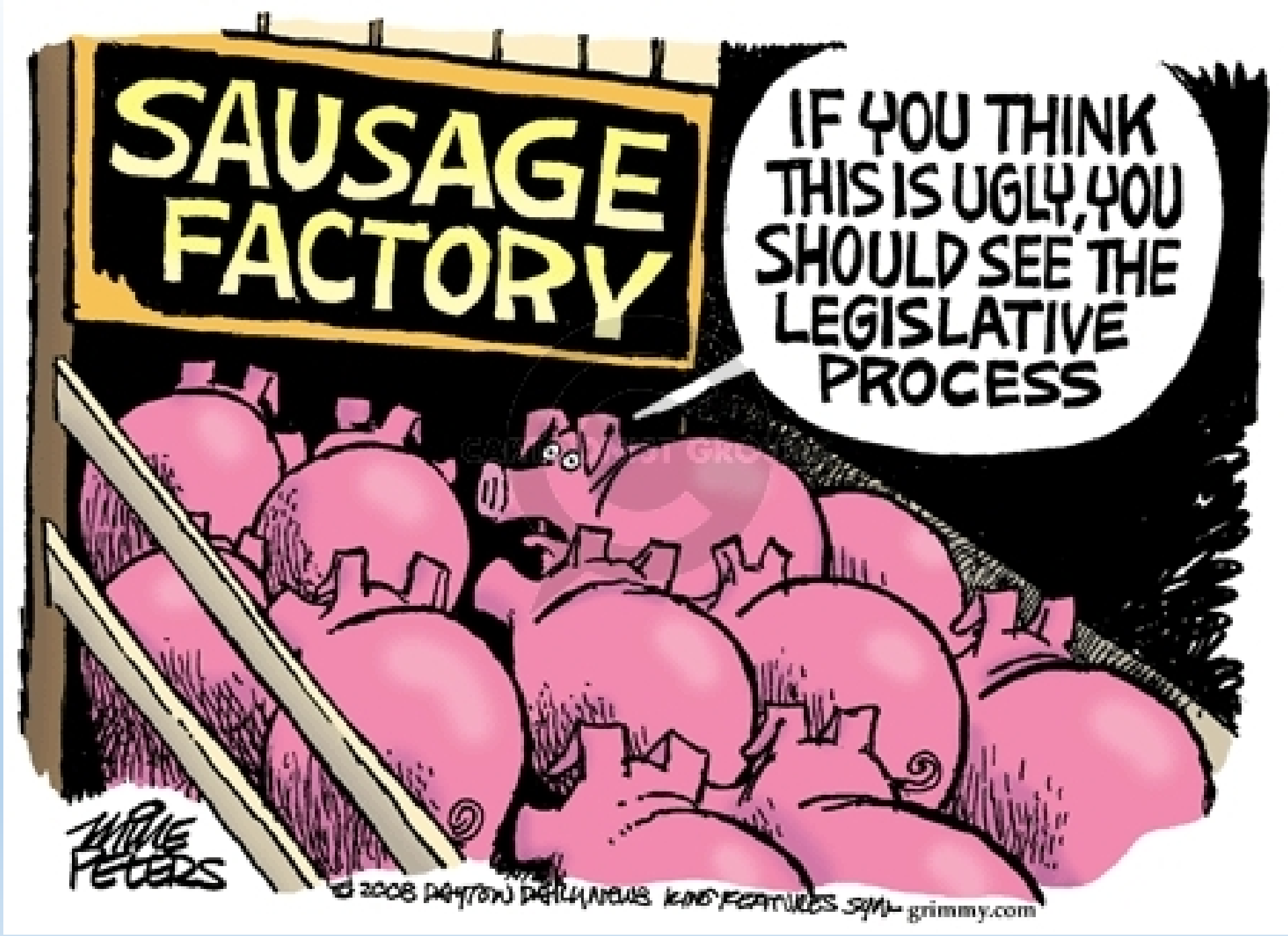
GOVERNMENT OPIOIDS COST RECOVERY PROGRAM

Attorney Advertisement

Tallahassee Halls of Power – Keeping Track

Presented by Mariann Sabolic

President, LobbyTools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IF YOU THINK THIS IS UGLY, YOU SHOULD SEE THE LEGISLATIVE PROCESS
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How an Idea Becomes a Law

Concerned Citizens
suggest legislation

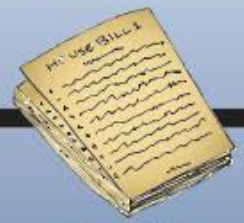
Representative
introduces the bill

Bill Drafting
writes, numbers, and files the bill

Clerk's Office
reads the bill the first time in the *Journal*

Speaker
refers the bill to a Committee, Subcommittee, or House Calendar

Committees & Subcommittees
hear the bill, may make changes, and report the action to the Clerk



The Bill
is placed on the House Calendar

Rules & Calendar Committee
places the bill on the Special Order Calendar to be considered in the House Chamber

House Chamber
reads the bill a second and third time — this is when the members will amend, debate, and vote on the bill

The House
sends a message and the bill to the Senate stating the House has passed the bill and would like for the Senate to do the same

The Senate
takes the bill through a similar process, passes the bill, and returns the bill with a message

The Governor
receives the bill once it has passed both houses and can either sign the bill, allow it to become law without a signature, or veto the bill

Law

Bill References to Committees

Power & Influence

The House Speaker / Senate President refers bills to committees.

- *The # of committee references reveal leadership priorities.*

Committee & Subcommittee Hearings

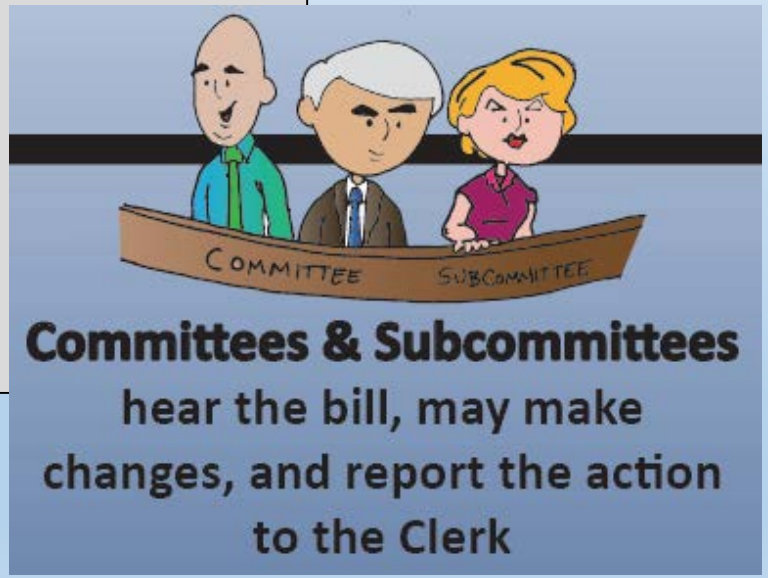
Power & Influence

Committee Chairs – decide which bills placed on agenda.
Bills "die" waiting for a hearing.

Once on agenda, bills receive a vote:

- ❖ Yea
- ❖ Yea with amendments
- ❖ Nay (bill dies)

Repeat for all committees



Bill Moves Out of Committees onto Calendar

House & Senate Calendar

Bill voted favorably by all committees.

Placed on Calendar – heading to the Floor.

House Rules & Policy Committee / Senate Rules' Special Order Calendar Group

Choose list of bills to be heard on chamber floor.

Bills "die" waiting for Special Order.

The Chamber Floors

2nd Reading/Special Order
Members may ask questions and amend the bill.

3rd Reading
Bill is heard again, is debated, and final vote taken.

Bill is then "**In Messages**" - leaves the first chamber and journey's to OPPOSITE chamber.

The Bill may be taken up or not in the OPPOSITE Chamber. It follows the previous steps.

Amendments?

REPEAT

Test your legislative intelligence

How many bills were filed in the 2017 regular session?

1. 1,976

2. 2,458

3. 3,132

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How many bills passed the 2017 regular session?

1. 249

33%

2. 487

33%

3. 621

33%

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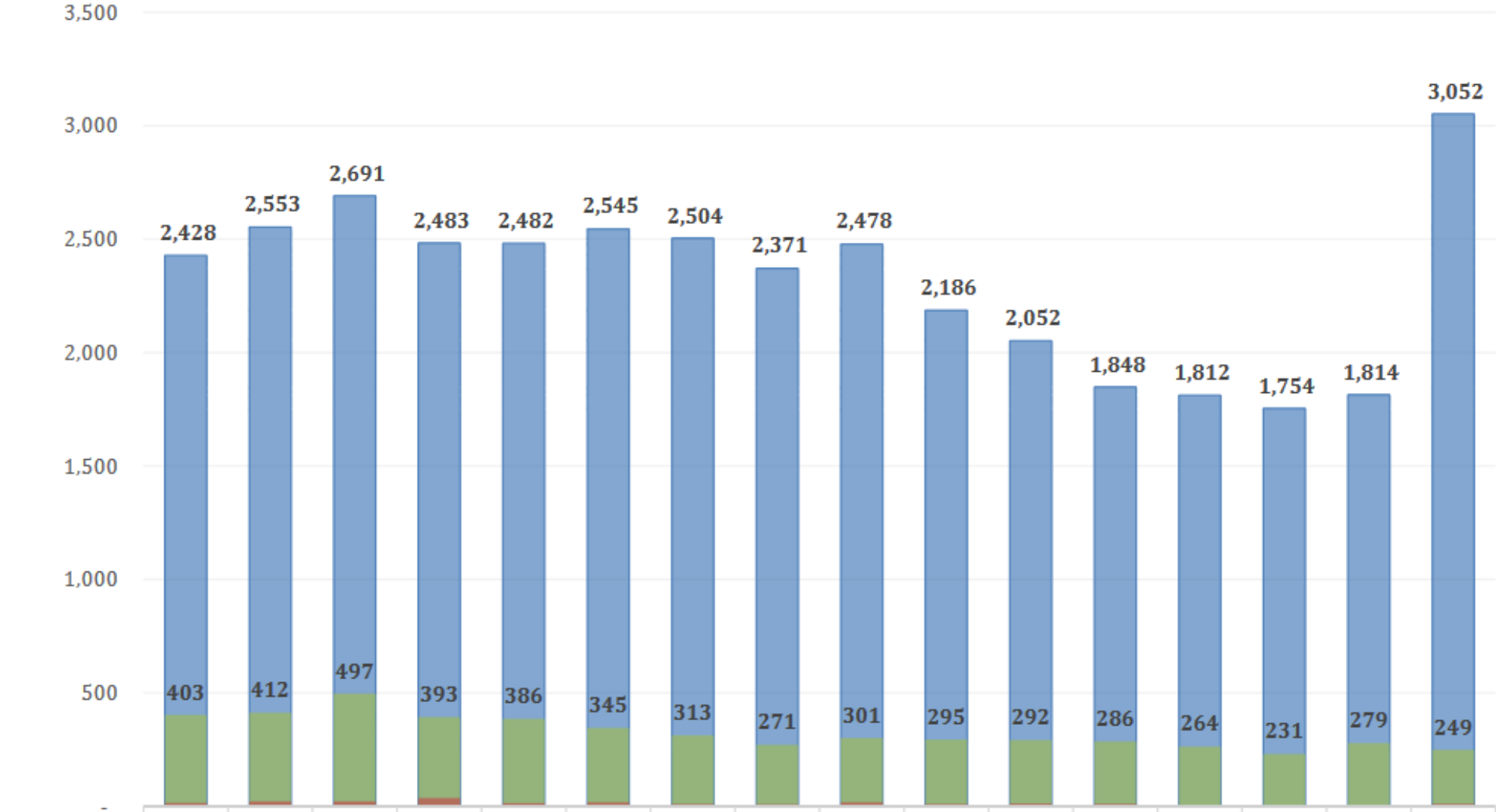
Bills Filed, Passed, and Vetoed
2001-2017



	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Bills Filed	2,428	2,553	2,691	2,483	2,482	2,545	2,504	2,371	2,478	2,186	2,052	1,848	1,812	1,754	1,814	3,052
Bills Passed	403	412	497	393	386	345	313	271	301	295	292	286	264	231	279	249
Bills Vetoed	15	22	22	37	14	18	10	9	18	10	12	11	1	7	3	11

Out of the 3,132 bills filed, how many were local bills?

1. 41

2. 75

3. 121

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What was Florida's budget for FY 2017-18

1. $82.4 Billion

2. $84.9 Billion

3. $89.7 Billion

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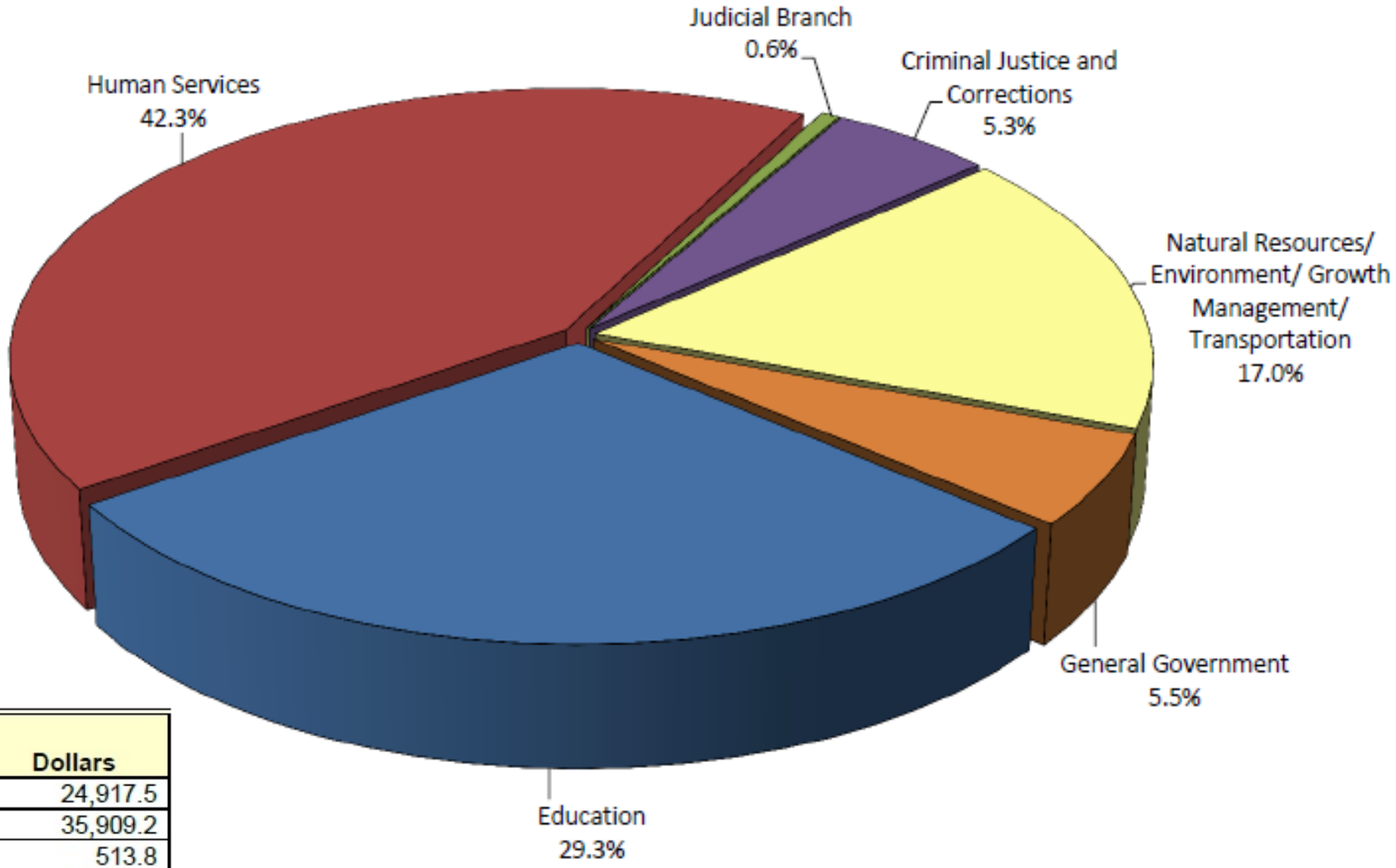

Program Area (Section of General Appropriations Act)	Dollars
Education	24,917.5
Human Services	35,909.2
Judicial Branch	513.8
Criminal Justice and Corrections	4,472.4
Natural Resources/ Environment/ Growth Management/ Transportation	14,438.5
General Government	4,701.5
Total	**84,953.0**

Note: Subtotals and totals may not add due to rounding.

Of the $84.9 billion, what percentage comprised Aid to Local Governments?

1. 6.3%

2. 14.7%

3. 26.7%

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Budget Break Down

- Governor Scott vetoed $11.9 Billion
- House members requested $2.58 billion for local projects - only $439 million approved

How do I keep track?

What's Ahead for 2018?

2018 Legislative Preview

FACA Mid Year CLE Seminar

November 16, 2017

Legislative Preview

- **Florida**
  - Finance, Taxation, Administration
  - Growth, Agriculture, Transportation, Environmental
  - Health & Human Services
  - Public Safety and Courts
- **Federal**
  - National Flood Insurance Program Reform
  - Water Resources Development Act
  - FEMA Disaster Assistance
  - Zika/Mosquito Control

2018 Florida Legislature

- 120 House Members (117 filled)
  - Speaker Richard Cororan (Pasco, R)
- 40 Senators (39 filled)
  - Sen Joe Negron, President (Martin, R)
- Party split
  - House: 77 R; 40 D
  - Senate: 25 R; 14 D

2018 Legislative Schedule

- Committee weeks started in October
- Session begins on Tuesday, January 9, 2018
- Sine die on Friday, March 9, 2018

Finance, Tax, & Administration

- Economic & Tourism Development Organizations
  - HB 3
  - HB 13/SB 352: Sports Franchise Facilities
  - HB 341: Film and Television Production
- Local Government Fiscal Autonomy
  - HB 7: Local Government Fiscal Transparency
  - HB 317/SB 272: Local Tax Referenda
  - HB 243/SB 688: Charter County & Regional Transportation System Surtax
  - HB 501/SB 454: Save-Our-Homes Portability Expansion
- Local Government Administrative Autonomy
  - Ethics
  - HB 11/SB 354: Government Accountability

Growth, Agriculture, Transportation, & Environmental

- Beach Re-nourishment
  - HB 131/SB 174: Coastal Management
- Community Redevelopment Agencies
  - HB 17/SB 432
- Flood Risk Mapping
- Medical Marijuana Dispensaries

Public Safety

- Distracted Driving
  - SB 90/HB 121: Use of Wireless Communications Devices While Driving
- Corrections Contraband
  - HB 471/SB 624: Drones

Health & Human Services

- Emergency Management
  - SB 284: Nursing Homes & Assisted Living Facilities
  - HB 285: Emergency Medical Services
- Human Trafficking
- Veterans Health Services

Federal Watch

- National Flood Insurance Program (NFIP) Program
- Disaster Recovery
- Opioid Funding
- Zika Funding
- FEMA
- Immigration

Constitution Revision Commission

- About the CRC
- Overview of the CRC Process
- Proposals Related to Counties
  - P 13: County Constitutional Officers
  - P 28: Judiciary Funding
  - P 92: Unfunded Mandates
  - P 95: Preemptions
- Going Forward

Contact Information

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“HOT ISSUES IN EMPLOYMENT LAW”

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FLORIDA CIVIL RIGHTS ACT

1. Cat's Paw Theory

Florida Department of Corrections v. Bracewell, et al., 220 So.3d 1228 (Fla. 1st DCA 2017)

- Case involved challenge to termination of warden and assistant warden of FDOC facility and specifically allegations that termination was in violation of Florida Public Whistleblower Act
- Neutral decision maker. Based decision on recommendations of subordinates who in turn based their recommendations at least in part on investigation conducted by OIG
- Alleged that the OIG investigator and report was biased

- Investigated facts
- Created report
- Did not recommend adverse employment or personnel action
- No involvement in decision to take such action
- Bracewell and Jeter presented to jury that they were railroaded by biased investigator who had animus against them due to their whistleblowing activity
- Theme was that OIG Investigator had gone rogue
- Jury found for plaintiffs awarding damages
- Court ultimately awarded attorney's fees and reinstatement to their previous positions
- Reversed and remanded
- OIG Investigator could not bind DOC through vicarious liability
- When is there an agency relationship sufficient to support cat's paw liability?
- Cuts off tenuous links between biased actor and decision maker
- Requires a more demanding standard for establishing liability
- Provides an avenue to attack cases at summary judgment stage
- Rehearing was denied July 12, 2017
- Petition for Writ of Certiorari filed with U.S. Supreme Court October 10, 2017.

EEOC STRATEGIC INITIATIVES

1. Harassment

- Almost one-third of the roughly 90,000 charges filed with EEOC in FY 2015 included an allegation of harassment.

  ➔ Two Commissioners chaired a Select Task Force on the Study of Harassment in the Workplace Report and released Report rebooting Workplace Harassment Prevention in June 2016.

- Includes a chart of risk factors that may permit harassment to occur; effective policies and procedures to reduce and eliminate harassment, a toolkit of compliance assistance measures for employers

- The Report, witness statements, and an executive summary, can be found on the EEOC's website at:
  https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm

2. Strategic Enforcement Plan (2017-2021)

- Where the EEOC's attention will be.
- SEP was approved by the EEOC's bi-partisan commission in the fall of 2016.
- New SEP tightens substantive priorities so we can identify priority charges.
- Adds a priority for matters that have strategic impact.

https://www.eeoc.gov/eeoc/plan/sep-2017.cfm

- Topic Areas:

  A. Eliminating Barriers in Recruitment and Hiring

  B. Protecting Vulnerable Workers, including Immigrant and Migrant Workers and Underserved Communities from Discrimination

  C. Addressing Selected Emerging and Developing Issues

  D. Ensuring Equal Pay Protections for all workers

  E. Preserving Access to Legal System

F. Preventing Systemic Harassment

3. Enforcement Guidance on National Origin Discrimination (Issued November 18, 2016)

- *https://www.eeoc.gov/laws/guidance/national-origin-guidance.cfm*
- Updated Enforcement Guidance on National Origin discrimination to replace its 2002 compliance manual section on that subject.
- Issued two short user-friendly resource documents, i.e., Q&A on the guidance document and a small business fact sheet that highlights the major areas of concern.
- The Guidance includes a wide variety of employment situations, highlights promising practices for employers, addresses developments in the courts since 2002, as well as topics such as job segregation, human trafficking and intersectional discrimination.

https://www.regulations.gov/docket?D=EEOC-2016-0009

4. Enforcement Guidance on Harassment

- The proposed guidance explains the legal standards applicable to claims of unlawful harassment under federal employment discrimination laws. The laws enforced by the EEOC protect individuals from harassment based on race, color, religion, sex, national origin, disability, age or genetic information.

- Between FY 2012 and FY 2015, the percentage of private sector charges that included an allegation of harassment increased from slightly more than one-quarter of all charges annually to over 30% of all charges.

- EEOC extended public input period until March 21st. After reviewing the public input, the Commission will consider appropriate revisions to the proposed guidance before finalizing it.

5. New Rule on Section 501 of the Rehabilitation Act

- Section 501 of the Rehabilitation Act requires federal agencies to create affirmative action plans for the employment of people with disabilities, and to submit those plans to EEOC for approval.

- The rule consolidates existing requirements from a variety of sources, such as having written reasonable accommodation procedures and seeking. The regulations also include enhanced support requirements that will enable more persons with disabilities to seek federal employment.

- The regulations require federal agencies to provide personal assistance services to employees who need them to perform basic human activities at work, such as eating and using the restroom.

- The regulations do not impose any obligations on private businesses or state & local governments. EEOC has published a Q&A document on the regulations and will provide agencies with training and technical assistance.

https://www.federalregister.gov/documents/2014/05/15/2014-11233/the-federal-sectors-obligation-to-be-a-model-employer-of-individuals-with-disabilities

6. EEO Digest

- The EEO Digest is a quarterly publication prepared by EEOC's Office of Federal Operations (OFO), features a wide variety of recent Commission decisions and federal court cases of interest.

- The Digest includes hyperlinks so that stakeholders can easily access the full decisions which have been summarized.

- Includes Selected Notable Federal Sector Decisions for Fiscal Year 2016

https://www.eeoc.gov/federal/digest/index.cfm

RETALIATION: THE CLAIM DE JOUR

Since 2005 the Supreme Court has issued numerous decisions expanding the scope of the anti-retaliation provisions of Title VII. The plaintiff's bar has taken advantage of the expansion of the retaliation clause set out in Title VII and other EEO and employment statutes.

1. *Jackson v. Birmingham Bd. of Educ.*, (2005): Finding an implied claim for retaliation in Title IX of the 1964 Civil Rights Act.

2. *Burlington Northern & Santa Fe Railway Co. v. White*, (2006): Title VII prohibits actions taken by an employer that a reasonable employee or job applicant would consider materially adverse; that is, those actions that would "dissuade a reasonable worker from making or supporting a charge of discrimination." The Court determined that Title VII had both a materiality requirement and an objective standard. The Court also held that the retaliation proscribed by Title VII is not limited to employment-related actions, and is not limited to actions occurring at the workplace.

3. *Gomez–Perez v. Potter*, (2008): Finding an implied right of action for retaliation in the ADEA.

4. *CBOCS West, Inc. v. Humphries*, (2008): Finding an implied claim for retaliation in 42 U.S.C. § 1981.

5. *Crawford v. Metropolitan Government of Nashville and Davidson County Tennessee*, (2009): Holding that participation in an internal investigation

constitutes "participation" for purposes of Title VII's anti-retaliation provision.

6. *Kasten v. Saint–Gobain Performance Plastic Corp.*, (2011): Holding that the anti-retaliation provision of the FLSA provides protection to oral as well as written complaints.

7. *Thompson v. North American Stainless, LP*, (2011): Expanding Title VII's anti-retaliation provision to prohibit retaliation against the fiancé of an employee who engaged in protected conduct.

8. *University of Texas Southwestern Medical Center v. Nassar*, (2013): Employee retaliation claims filed under Title VII of the Civil Rights Act of 1964 must be proved according to traditional principles of but-for causation, not the lessened causation test stated in the 42 U.S.C. § 2000e–2(m).

9. *Burrage v. United States*, 134 S. Ct. 881 (2014): Supreme Court discusses the meaning of "but-for" causation.

A non-exhaustive dossier of some interesting Circuit Court Cases from around the Country involving retaliation claims include the following:

Fisher v. Lufkin Industries, Inc., 847 F.3d 752 (5th Cir. 2017) – Plaintiff alleged racial discrimination when his supervisor called him "boy" – several co-workers were offended at the charge, and conducted a "sting" operation – they purchased pornographic videos from plaintiff – others in the plant had pornographic videos, and sold things without complaint, which triggered an investigation. The plaintiff

lied during the investigation. The Magistrate Judge found that the investigation was motivated by retaliatory motives, but that lying during the investigation was an intervening cause, and ruled for the defendant. The Fifth Circuit reversed finding: "While we do not endorse [plaintiff's] response, we view his mild resistance to a retaliatory investigation as entirely foreseeable[,]" 847 F.3d at 759 – Fisher's lack of cooperation with the employer's retaliatory-motivated investigation which itself was "based on a dubious work rule violation" (id. at 759-60) did not sever the causal chain.

Sieden v. Chipotle Mexican Grill, Inc., 846 F.3d 1013 (8th Cir. 2017) – Summary judgment against former restaurant general manager on retaliation claim. Employer's discharge of plaintiff for poor performance not pretextual – although plaintiff had received four promotions between 2001 and 2011, his more recent record showed he had been relieved of management duties based on concerns about performance a year prior to the alleged protected activity.

Maggi v. Creative Health Care Servs., Inc., 608 Fed. App'x (9th Cir. 2015) (unpublished) – Supervisor, whom plaintiff alleged sexually harassed, sued her in state court for defamation. Employee's retaliation claim against employer dismissed. Applying *Nassar*, court finds there was no evidence employer was the but-for cause of the lawsuit, since it was filed in the supervisor's personal capacity.

Aldrich v. Rural Health Servs. Consortium, Inc., 579 Fed. App'x 335 (6th Cir. 2014) – Employee was found to not have engaged in protected activity under participation clause when she forwarded e-mails containing confidential patient information to a personal account. Plaintiff's contention that she was preserving

evidence for an age discrimination suit that had been filed by a co-worker did not bring it within protected activity.

Vasquez v. Empress Ambulance Serv., Inc., 835 F.3d 267 (2d Cir. 2016) – Dismissal reversed – plaintiff complained about co- worker sexual harassment – co-worker falsified documents indicating plaintiff had engaged in sexual harassment. Cat's paw theory found to possibly support retaliation claim.

Foster v. Mountain Coal Co., 830 F.3d 1178 (10th Cir. 2016) – Supervisor requested company's cooperation with respect to his coming surgery, which was tantamount to an accommodation request. Court reiterates that no magic language is required to invoke reasonable accommodation obligation of ADA. Plaintiff was fired days later. Summary judgment on retaliation claim reversed.

Cooper v. N.Y. State Dep't of Labor, 819 F.3d 678 (2d Cir. 2016) – Rule 12(b)(6) dismissal affirmed on retaliation claim where Director of Equal Opportunity Development was removed from her position after she opposed plan by the Governor's office to alter the means by which EEO complaints were to be handled. Plaintiff believed that the proposed changes would increase the likelihood that workplace discrimination would go unredressed. Plaintiff's position was successful, but thereafter she was fired, allegedly in retaliation for having lobbied against the plan of the Governor's office. Second Circuit finds dismissal proper since plaintiff could not reasonably believe that in lobbying against the Governor's proposal she was opposing conduct that qualified as an unlawful employment practice under Title VII.

Boston v. U.S. Steel Corp., 816 F.3d 455 (7th Cir. 2016) – Summary judgment in retaliation case affirmed – 15-month gap between EEOC charge and disqualification too long to support bias inference – decisionmaker not aware of protected activity – poor performance explanation not pretextual.

Brandon v. Sage Corp., 808 F.3d 266, 128 FEP 649 (5th Cir. 2015) – Truck driving school director resigned after being threatened with 50% pay cut for hiring transgender individual. The plaintiff knew that the person rendering the threat was outside her chain of command. Court finds she should have waited for company president to confirm pay cut or follow its school's grievance procedure. Fifth Circuit affirms summary judgment.

Ya-Chen Chen v. City Univ. of New York, 805 F.3d 59 (2d Cir. 2015) – Summary was granted by district Court on retaliation claim – assertion of temporal proximity between filing of affirmative action complaint and non-renewal of contract rejected because members of her department had concerns about claimant's "overaggressiveness and lack of tact" both before and after she filed her complaint. Moreover, the decision not to renew her contract was made before she filed her complaint. Summary judgment affirmed.

Ray v. Ropes & Gray LLP, 799 F.3d 99 (1st Cir. 2015) – Summary judgment for defendant after black associate was denied partnership under up or out policy. After plaintiff filed EEOC charge, two partners who had promised to support his application for a position as an assistant U.S. Attorney refused, one of them stating that he could no longer "in good conscience" write such a letter in light of the "groundless" EEOC claim. Plaintiff, an alumnus of Harvard Law School, asked that the Harvard Law School bar Ropes from campus interviews. A legal media

website obtained a copy of Ray's letter to Harvard and asked for comment. In response, defendant provided the website with an unredacted copy of the EEOC's determination which contained sensitive and confidential information about Ray's employment with the firm, which the website posted. The district court granted summary judgment on the discrimination claim, but the retaliation claim went to the jury. Defendant argued that Ray did not actually believe in his EEOC claim, but just used it to try to extort money – the jury concluded that Ray had not established a prima facie case of retaliation because he had not engaged in protected activity under Title VII. The retaliation claim was based on both the participation clause (the rejection of letters of reference after he filed his EEOC complaint) and the opposition clause (contacting Harvard). The district court instructed the jury that the EEOC complaint was protected if done in good faith and the jury was also instructed that opposition was protected if he had shown it was both undertaken in good faith and based on a reasonable belief. Jury also instructed that the participation clause does not require a reasonable belief. "Simply put, Ray has not set forth a coherent argument on appeal for why the district court erred as a legal matter in requiring him to show good faith for purposes of the participation clause. Thus, we deemed his argument waived for lack of development." 799 F.3d at 111. Summary judgment on the denial of partnership claim was affirmed – denial was based on negative reviews from partners. Plaintiff's contention that associates who received more favorable reviews should not have been so favorably traded fails under comparative evidence discussed. Circuit Court finds that every associate was different and that Ray's reliance on a subjective review process flounders because it is supported only by speculation. The plaintiff's reliance on two racially charged remarks from partners about which he protested not shown to have any connection with the policy committee's decision and the fact that only one black associate had

ever been promoted to partner in the history of the firm is unfortunate and troubling but it fails to imply pretext in this case.

Zamora v. City of Houston, 798 F.3d 326 (5th Cir. 2015) – Cat's paw theory of liability viable in Title VII retaliation cases even under heightened "but for" standard of causation. Fifth Circuit reinstates jury verdict for plaintiff.

Foster v. Univ. of Maryland, E. Shore, 787 F.3d 243 167 (4th Cir. 2015) – Here, the court found that the Supreme Court's decision in *Nassar*, which requires but-for causation and rejected mixed motive theory in retaliation cases, did not alter the plaintiff's "less onerous" burden of showing causation under the *McDonnell Douglas* framework at the prima facie case stage. The Fourth Circuit notes that the *Nassar* Court was silent as to the application of but-for causation in McDonnell Douglas pretext cases: "Nassar did not alter the McDonnell Douglas analysis for retaliation claims, ..." 787 F.3d at 246.

EEOC v. Allstate Ins. Co., 778 F.3d 444 (3d Cir. 2015) – Allstate switched all of its employee agents to independent contractor status in the year 2000. As a condition of offering an independent contractor relationship selling Allstate products, Allstate required that each former employee waive any pending discrimination claims. The EEOC sued, alleging that this constituted retaliation under the federal anti-bias laws. The third Circuit ruled for Allstate, finding that the general rule is that employers may require signed releases of claims in exchange for severance pay of other enhanced benefits not normally available. "Allstate followed the well-established rule that employers can require terminated employees to waive existing legal claims in order to receive unearned post-termination benefits." 778 F.3d at 453.

Musolf v. J.C. Penney Co., 773 F.3d 916 (8th Cir. 2014) – No prima facie case – seven month time lag between sexual harassment complaint and termination is too long – in the interim she was praised and given salary increase.

Ward v. Jewell, 772 F.3d 1199 (10th Cir. 2014) – Screening panel, members of which had been the subject of discrimination charges filed by plaintiff, did not recommend plaintiff to be interviewed by ultimate decisionmaker – they recommended only two of the five candidates – however, unbiased decisionmaker interviewed all five candidates, and chose someone other than plaintiff – no cat's paw liability despite bias of screening committee since decisionmaker conducted his own independent investigation.

Sklyarsky v. Means-Knaus Partners, LP, 777 F.3d 89 (7th Cir. 2015), cert. denied , 135 S. Ct. 2861 (2015) – Discrimination claims fail because numerous reprimands show that the employee was not meeting the employer's legitimate expectations even though the reprimands went to attitude and not actual work performance – retaliation claims fail – first suspended six months after filing bias charges and then fired about seven months after submitting another round of charges – suspicious timing between a protected act and an adverse employment action "alone rarely establishes causation," 777 F.3d at 898.

The Following cases discuss the Contours of the "adverse employment action" standard applied in retaliation cases following the Supreme Court' watershed decision in *Burlington Northern*.

Lateral Transfers

Moore v. City of Philadelphia, 461 F.3d 331 (3rd Cir. 2006) (lateral transfer of police officer from a district where plaintiff had "earned good will and built positive relations within the community," along with threatening to make plaintiff's life a "living nightmare" and disciplining plaintiff for rule violation found to be materially adverse).

Kessler v. Westchester County Department of Social Services, 461 F.3d 199 (2d Cir. 2006) (plaintiff who was transferred from central administration to a district office was subjected to materially adverse employment action after filing discrimination complaint; while plaintiff's job title, grade, work hours, salary and benefits were the same, he was stripped of prior responsibilities, given menial tasks and was required to report to someone at the same grade level as he was).

Keeton v. Flying J, Inc., 429 F.3d 259 (6th Cir. 2005) (jury verdict upheld in favor of assistant manager who was transferred to a store more than 120 miles away, which caused plaintiff to obtain a new residence).

McGowan v. City of Eufalah, 472 F.3d 736 (10th Cir. 2006) (finding no adverse employment action where employer refused to honor employee's request to transfer from night shift to day shift, particularly where plaintiff could not provide reasons for requesting the transfer, and there was no difference in pay or benefits between the two shifts).

James v. Metropolitan Government of Nashville, 243 Fed. Appx. 74 (6th Cir. 2007) (lateral transfer, poor performance evaluations, and imposing work quotas after filing EEOC charges were not sufficient to establish retaliation).

Freeman v. *Potter*, 200 Fed. Appx. 439 (6th Cir. 2006) (lateral transfers, or the refusal to make lateral transfers, are not generally materially adverse actions).

Amodio v. *Wild Oats Mkts., Inc.*, 2006 U.S. Dist. LEXIS 73282 at * 19-20 (D.Conn. 2006) (material adversity found where plaintiff was transferred to another position, plaintiff's hours were cut back from 40 hours per week to between 34 and 38 hours and plaintiff was no longer able to participate in profit sharing at a manager's level).

Siler v. Hancock County Bd. of Educ., 272 Fed.Appx. 881, 233 Ed. Law Rep. 564 (11th Cir. 2008) (transfer to less prestigious position materially adverse).

Reassignment of Duties

Devin v. Schwan's Home Services, Inc., 2007 U.S. App. LEXIS 16017 (8th Cir. 2007) (assigning delivery route manager a "poorly organized substitute truck and refusing to assign plaintiff to a "route builder" who would accompany her and obtain new customers, among other issues, was not materially adverse).

Allen v. Amtrack, 228 Fed. Appx. (3d Cir. 2007) (reassignment of employee's work while she was absent and one incident of criticism not materially adverse).

Roney v. Illinois Department of Transportation, 474 F.3d 455 (7th Cir. 2007) (finding that plaintiff could not prove material adversity where employee alleged he was assigned to more dangerous position for which he had not been trained, employer would not create performance plan and refused request to use a state vehicle, where employee was prevented from obtaining a merit raise based upon employer's refusal to consider positive letter of recommendation, employee was threatened with termination and disciplined).

Willey v. *Southerncross Ambulance, Inc*., 2007 U.S. Dist. LEXIS 36603, at * 17-20 (S.D. Tex. May 18, 2007) (holding that in determining whether a reasonable employee would feel compelled to resign, the court held that it could consider factors such: demotion; reduction in salary; reduction in job responsibilities; reassignment to menial or degrading work; reassignment to work under a younger supervisor; badgering, harassment, or humiliation by the employer calculated to encourage the employee's resignation; and offers of early retirement or continued employment on terms less favorable than the employee's former status).

Higgins v. Gonzales, 481 F.3d 578, 587 (8th Cir. 2007) (perceived loss of prestige caused by a reassignment or relocation, is not sufficient to constitute an adverse employment action; rather, the new position must result in a qualitatively more difficult or less desirable position).

Billings v. Town of Grafton, 515 F.3d 39, 53-54 (1st Cir. 2008) (reassignment to job that is objectively less prestigious can be, under certain circumstances, materially adverse).

Advancement Opportunities

Hare v. Potter, 2007 U.S. App. LEXIS 6731 (3d Cir. 2007) (finding that failure to select plaintiff for career development training program was materially adverse based upon evidence establishing that participation in program could contribute to professional advancement).

Higgins v. Gonzales, 481 F.3d 578 (8th Cir. 2007) (finding that plaintiff did not establish materially adverse action where plaintiff alleged that immediate supervisor did not adequately mentor and supervise her).

Halfacre v. *Home Depot, U.S.A., Inc.*, 2007 FED App. 0246N, at * 23-26 (6th Cir. 2007) (markedly lower performance-evaluation scores that significantly impact an employee's wages or professional advancement can be materially adverse).

Performance Evaluations

Halfacre v. Home Depot, U.S.A., Inc., 221 Fed. Appx. 424 (6th Cir. 2007) (reversing district court's grant of summary judgment to employer based upon performance evaluation that was lower than employee had received in the past and lower than employee believed was warranted).

Gelin v. Paulson, 2007 U.S. App. LEXIS 11069 (2d Cir. 2007) (finding that plaintiff did not suffer materially adverse action because performance appraisal was positive, notwithstanding plaintiff's subjected belief that he had received lower scores than he should have received).

Sykes v. Pa. State Police, 311 F. App'x 526, 529 n. 2 (3rd Cir. 2008) (citing *Brown v. Snow*, 440 F.3d 1259, 1265 (11th Cir. 2006)) ("there is no evidence that Sykes' claimed failure to secure employment with other state agencies was the result of the evaluations or that she was otherwise qualified for those positions.").

Meredith v. Beech Aircraft Corp., 18 F.3d 890, 896 (10th Cir. 1994) (pre-Burlington Northern case finding that a plaintiff is unable to defeat a summary judgment motion based on an evaluation of "meets expectations," even if that might have been lower than a previous evaluation).

Perches v. Elcom, Inc., 500 F. Supp. 2d 684, 693-94 (W.D. Tex. 2007) (holding that an employer can refute the plaintiff's claim that a poor performance review was motivated by retaliatory intent by presenting previous performance reviews that document poor work performance or poor interpersonal skills; further, the fact that the plaintiff was never disciplined does not disprove the defendant's claim that the plaintiff had performance problems).

Brown v. Paulson, 2007 U.S. App. LEXIS 12288, at * 2-4 (2nd Cir. May 24, 2007) (plaintiff's claims failed because he did not put forth any evidence that the failure to assign him certain grade 13 returns (employee evaluations or appraisals) was sufficient to satisfy the *Burlington Northern* standard).

Weber v. Battista, 494 F.3d 179, 185 (D.C. Cir. 2007) (finding that a negative performance evaluation may constitute an adverse action if the performance rating given causes the employee to lose a performance award).

Vance v. Chao, 496 F. Supp. 2d 182, 186 (D.D.C. 2007) (finding that where inappropriate performance standards were applied causing the plaintiff to be put on a performance plan and to be denied a bonus, the plaintiff has sufficiently stated an adverse action).

Boumehdi v. Plastag Holdings, LLC, 489 F.3d 781 (7th Cir. 2007) (finding that negative performance evaluations are more likely to support a claim of retaliatory action where there is direct evidence that the negative reviews were motivated by a retaliatory animus).

Cecil v. Louisville Water Co., 301 Fed.Appx. 490 (6th Cir. 2008) (finding the following to constitute "petty slights or minor annoyances":negative performance review; exclusion from meeting; moving of desk; threatening phone calls; stalking; reassignment of some duties; and trumped up charges of tardiness, and poor work performance).

Fernandez v. Alexander, No. Civ. JFM-04-3009, 2006 WL 2473439, at *6 (D. Md. Aug. 24, 2006) (holding that one unfavorable comment in an "average or above average" evaluation is not adverse employment action).

Haynes v. Level 3 Commc'ns LLC, 456 F.3d 1215 (10th Cir. 2006) (holding that merely putting plaintiff on Performance Improvement Plan without more did not constitute adverse employment action).

Bowden v. Clough, 658 F. Supp. 2d 61, 96 (D.D.C. 2009) (holding that: "Poor performance assessments that do not result in a change to a plaintiff's grade or salary are generally not adverse employment actions that violate Title VII. . . .").

Sutherland v. Missouri Dep't of Corrs., 580 F.3d 748 (8th Cir. 2009) (finding that employee whose evaluation scores slipped did not suffer adverse employment).

Written Warnings/Corrective Actions

DeHart v. Baker Hughes Oil Field Operations, Inc., 2007 U.S. App. LEXIS 1362 (5th Cir. 2007) (issuing written warning for insubordination, being argumentative and excessively absent where there were "colorable grounds for the warning and a reasonable employee would have understood that a warning under these circumstances was not necessarily indicative of a retaliatory mindset," not adverse employment action).

Morrison v. Carpenter Technology Corp., 193 Fed. Appx. 148 (3d Cir. 2006) (finding that a single corrective performance review was not materially adverse because it did not result in economic loss or a change in the terms of employment and, further, plaintiff was unable to show that a harm to his professional advancement).

Medina v. Income Support Division, 413 F.3d 1131 (10th Cir. 2005) (finding that plaintiff was unable to show that written letter received after complaining of hostile work environment was not adverse employment action because the letter was not issued until after the plaintiff had resigned and accepted employment elsewhere and was never placed in her personnel file).

DeHart v. Baker Hughes Oilfield Operations, Inc., 214 F. App'x 437, 442 (5th Cir. 2007) (holding that written warnings are not considered adverse employment action).

Beaumont v. Tex. Dep't of Crim. Justice, 468 F. Supp. 2d 907, 929 (E.D. Tex. 2006) (informal coaching remarks and comments in a personal log do not constitute adverse action under *Burlington Northern*).

Wilson v. O'Grady-Peyton Int'l, Inc., No. 4-07-CV-003, 2008 U.S. Dist. Lexis 24394 (S.D. Ga. Mar. 26, 2008) (stating that to be actionable, the disciplinary action must contain a threat of termination such that a reasonable worker would be dissuaded from making the charge of discrimination).

Jones v. Johanns, 264 F. App'x 463, 469 (6th Cir. 2007) (supervisor's letter to the plaintiff warning him to stop discussing his EEO complaints during business hours and threatening "official disciplinary action" if he failed to stop did not, "as a matter of law, constitute materially adverse actions.").

Dehart v. *Baker Hughes Oilfield Operations, Inc.*, 214 Fed. Appx. 437, 2007 U.S. App. LEXIS 1362, at * 10-11 (5th Cir. 2007) (written warning to plaintiff for insubordination, for being argumentative, and for excessive absenteeism would not have dissuaded a reasonable worker from making or supporting a charge of discrimination, particularly since there were colorable grounds for the warning and a reasonable employee would have understood a warning under these circumstances was not necessarily indicative of a retaliatory mind-set).

Hostile Work Environment

Hare v. Potter, 2007 U.S. App. LEXIS 6731 (3d Cir. 2007) (finding that plaintiff provided sufficient evidence to overcome summary judgment motion where record

as a whole demonstrated that plaintiff was subjected to hostile work environment after apprising supervisor that she had engaged in protected activity in previous job assignment; plaintiff was told that she was "ending her career" by pursuing her charge and that her supervisor was unsure he would be able to "treat her impartially in light of [her protected activity]," and plaintiff was subjected to multiple audits within two-year period, was not provided adequate staffing, her office's utility bill was unpaid, and other incidents that left her unable to effectively run her office).

Ekokotu v. Federal Exp. Corp., 408 Fed.Appx. 331 (11th Cir. 2011) (declining to hold that claims for retaliatory hostile work environment exists under *Burlington Northern*, but holding that assuming, *arguendo*, such claims do exist, the plaintiff failed to present proof that one existed).

Billings v. Town of Grafton, 515 F.3d 39, 54 n.13 (1st Cir. 2008) ("retaliatory actions that are not materially adverse when considered individually may collectively amount to a retaliatory hostile work environment.").

Termination with Reinstatement

Randolph v. Ohio Department of Youth Services, 453 F.3d 724 (6th Cir. 2006) (finding that plaintiff suffered adverse employment action when she was terminated and then subsequently reinstated by an arbitrator with a back pay award amounting to 7 percent of lost remuneration).

Actions Unrelated to Employment

Moore v. City of Philadelphia, 461 F.3d 331 (3rd Cir. 2006) (interfering in employee's child custody battle found to be retaliatory).

Suspensions

Foraker v. Apollo Group, Inc., 2006 U.S. Dist. LEXIS 85737 (D. Ariz. 2006) (jury verdict upheld finding plaintiff was retaliated after taking FMLA leave where plaintiff, among other actions, was placed on FMLA leave involuntarily, and was paid administrative leave).[1]

Bumpers v. Harris County, No. 05-577, 2006 WL 1030066 at *4 (S.D. Tex. Apr. 19, 2006) (finding that suspension or probation would not be considered an adverse employment action if it did not result in a denial of a merit increase or raise).

Harper v. *Potter*, 456 F. Supp. 2d 25, 29 (D.D.C. 2006) (plaintiff's 7-day suspension was not materially adverse because the defendant did not require the plaintiff to be absent from work nor was there a reduction in the plaintiff's pay. Moreover, the 7-day suspension imposed upon the plaintiff on October 4, 2002, was rescinded and expunged from the plaintiff's employment record on November 13, 2002, just over one month later in response to his grievance. The suspension bore no consequences, and it remained part of the plaintiff's personnel record for the briefest of periods).

[1] Though not a case from a circuit court, this is an intriguing case that is worth reviewing with respect to the issue of suspensions.

Negative References

Shaver v. Indep. Stave Co., 350 F.3d 716 (8th Cir. 2003) (pre-*Burlington Northern* case reversing summary judgment based upon statement to plaintiff's prospective employers that plaintiff had a "get rich scheme involving suing companies").

Abbott v. Crown Motor Co., 348 F.3d 537 (6th Cir. 2003) (pre-*Burlington Northern* case finding that employer that ignored its own policy regarding information that would be provided to prospective employer and provision of negative job reference was materially adverse).

Roulettee v. Chao, No. 03-00824, 2007 WL 437678 (D. Colo., Feb 6, 2007) (negative job reference as a result of complaining of discrimination can be the type of retaliatory action that would support an action under *Burlington Northern).*

Rascon v. Austin I.S.D., No. 05-1072, 2007 WL 1390605 at *1 (W.D. Tex. Mar. 8, 2007) (plaintiff's prior employer's remark of "God bless you" in response to a request for a reference was sufficient to meet the *Burlington Northern* standard).

Other

McCullough v. Kirkum, 2006 U.S. App. LEXIS 31335 (5th Cir. 2006) (finding that relocation from one desk to another, vague comments by unnamed employees and transfers to different divisions as requested by the plaintiffs were not materially adverse actions).

Brown v. Paulson, 2007 U.S. App. LEXIS 12288 (2d Cir. 2007) (employee did not suffer materially adverse action based upon failure to assign him certain grade 13 returns (employee evaluations/appraisals)).

McCoy v. City of Shreveport, 492 F.3d 551 (5th Cir. 2007) (finding that employee was not retaliated against where, after an outburst, employee's gun was taken away and she was placed on paid leave).

Smoza v. University of Denver, 2008 W.L. 162764 (10th Cir. 2008) (finding that employee had not been subjected to materially adverse action where employee was the subject of negative comments, condescending looks, eye rolling and snickering, as well as actions by employer to change the Spanish section of language department).

Joseph v. Leavitt, 465 F.3d 87 (2d Cir. 2006) (finding that employee who was put on administrative leave with pay pending an investigation of criminal charges is not adverse action).

Zelnik v. Fashion Inst. of Tech., 464 F.3d 217 (2d Cir. 2006) (holding that failure to grant retired professor "emeritus" status is not adverse action where that status carried little weight).

Higgins v. Gonzales, 481 F.3d 578 (8th Cir. 2007) (failure to provide mentoring to an Assistant U.S. Attorney and her transfer from Rapid City to Pierre in the same job were not actionable adverse employment actions, particularly where an alleged series of slights did not result in a material change in her status or her pay as an AUSA).

Jordan v. Chertoff, 224 F. App'x 499 (7th Cir. 2006) (finding no adverse employment action where a temporary assignment was not made permanent because there were no open slots for the plaintiff).

Fincher v Depositary Trust and Clearing Corp., 604 F.3d 712 (2d Cir. 2010) (holding that mere failure to investigate a complaint did not itself constitute adverse employment action).

Dauer v. Verizon Commc'ns Inc., 613 F. Supp. 2d 446 (S.D.N.Y. 2009) (finding that petty slights including "micromanaging" and criticism of work are not adverse employment actions).

Franklin v. Potter, 600 F. Supp. 2d 38 (D.D.C. 2009) (fitness for duty medical exam, pre-disciplinary interview for poor performance not adverse employment action).

Rosinski v. Am. Axle & Mfg., Inc., 663 F. Supp. 2d 197 (W.D.N.Y. 2009) (failure to invite to a luncheon nor allowed a leave of absence for educational purposes do not rise to the level of adverse employment action), *aff'd*, 402 F. App'x 535 (2d Cir. 2010).

Scott v. City of New York Dep't of Corrs., 641 F. Supp. 2d 211, 231, 232 (S.D.N.Y. 2009) (holding that verbal abuse is the type of act which is typically insufficient to constitute adverse employment action and that a written warning for violating company policy does not itself constitute adverse employment action).

Timmerman v. U.S. Bank, N.A., 483 F.3d 1106 (10th Cir. 2007) (finding that employer's meritorious counterclaim, based upon plaintiff's directing bank funds to her own account, was not retaliation)(citing *Bill Johnson's Rests., Inc. v. NLRB*, 461 U.S. 731, 743 (1983), which refused to enjoin a "well founded lawsuit . . . even if it would not have been commenced but for the plaintiff's desire to retaliate against the [defendant] for exercising [his or her] rights.").

Bradley v. Pfizer, Inc., 440 Fed.Appx. 805, 2011 WL 3962824 (C.A.11 (Ga.)) (sending litigation hold letter not a materially adverse employment action under *Burlington Northern*).

GARCETTI v. CEBALLOS

The Supreme Court's decision in *Garcetti v. Ceballos* continues to serve as a much used defense by public employers. The decision is a staple for public sector employment practitioners. In *Garcetti*, the Supreme Court was called upon to determine whether the First Amendment protects a government employee from discipline based on speech made pursuant to the employee's official duties. 547 U.S. 410, 413 (2006). The plaintiff had been employed by the district attorney's office in Los Angeles as a calendar deputy. In this capacity he exercised certain supervisory responsibilities over other lawyers. The plaintiff determined that an affidavit contained serious misrepresentations and sought to receive an explanation for these inaccuracies. Failing to receive a satisfactory explanation, plaintiff reported his findings to his superiors and followed up by preparing a memorandum that explained his concerns and recommended dismissal of the case. His supervisors decided to proceed with the prosecution despite plaintiff's repeated concerns. id. at 414. Plaintiff claimed that following these events, he was subjected a serious of retaliatory actions, including reassignment of his position, transfer to another courthouse, and denial of a promotion. id. He alleged that petitioners violated the First and Fourteenth Amendments by retaliating against him based on his memo. id.

The Court began its analysis by reviewing its previous cases regarding constitutional protections accorded to public employee speech. id. at 418. In *Pickering v. Board of Educ.*, and its progeny, a two-part inquiry was established to determine whether the First Amendment protects a public employee's speech. 391 U.S. 563 (1968). The first inquiry is whether the employee spoke as a citizen on a matter of public concern. *Garcetti* at 418 (citing *Pickering* at 568). If the answer

is no, then the employee has no First Amendment cause of action based on his employer's reaction to the speech. If yes, then the question becomes whether the relevant government entity had an adequate justification for its actions. id.

In *Garcetti*, the dispositive factor for the Court in determining whether the First Amendment protected plaintiff's speech was that his expressions were made pursuant to his employment as a calendar deputy. The fact that plaintiff spoke as a prosecutor "fulfilling his responsibility" to advise his supervisor as to how best proceed with a case distinguishes his case from others in which the First Amendment provided protection against discipline. The Court held that "when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline." The Court, however, declines to articulate a framework for defining the scope of an employee's duties, but notes that the proper inquiry is a "practical one." id. at 424.

Following *Garcetti*, the Supreme Court interpreted the contours of the Supreme Court's holding in *Lane v. Franks*, 134 S.Ct. 2369 (2014). The Lane Court held that a public employee's sworn testimony given outside of his or her job is protected by First Amendment.

A non-exhaustive list of Eleventh Circuit Cases applying *Garcetti* include:

1. *Battle v. Bd. of Regents*, plaintiff was employed in the Office of Financial Aid at Fort Valley State University where she observed and documented what she believed were fraudulent practices in the Federal Work Study Program. 468 F.3d 755, 757 (11th Cir. 2006). As part of her job duties, plaintiff was

required to verify the completion and accuracy of student files as well as report any fraudulent activity. id. at 758. In examining these files, plaintiff discovered "improprieties" that she believed indicated that her supervisor had fraudulently mishandled and mismanaged federal financial aid funds. Plaintiff confronted her supervisor and then the University president but no corrections were made. id. Eventually, Plaintiff received a letter stating that her contract would not be renewed. She then filed a grievance with the Board of Regents, which was unsuccessful. id. at 759. As a result, Plaintiff provided the Department of Education with documents showing potential fraud at the University. An audit revealed serious noncompliance with federal regulations and risk factors for fraud at the university. id. In Battle, plaintiff admitted that she had a "clear employment duty" to report any mismanagement or fraud she encountered in student aid files. Additionally, DOE guidelines require all financial aid workers to report suspected fraud. id. at 761. The court concluded that plaintiff's retaliation claim must fail because the First Amendment does not protect speech made by an employee fulfilling official responsibilities. id. (citing *Garcetti*, 126 S.Ct. at 1961).

2. If a public employee plaintiff speaks as a citizen with the purpose of raising a matter of public concern, then the speech is generally protected. *Green v. Barrett*, 226 Fed. Appx. 883, 886 (11th Cir. 2007) (citing *Garcetti*, 126. S.Ct. at 1958). In *Green*, a former chief jailer claimed that she was fired for having testified regarding unsafe conditions of the county jail. id. at 884. The Court held that plaintiff's testimony was given pursuant to her official duties as chief jailer because they were made in a hearing conducted for the specific purpose of assessing whether the jail was a safe place to house a specific inmate. id. at 886. In addition, plaintiff did not dispute that she testified at that hearing because she was

the public employee responsible for the conditions at the jail. id. Plaintiff's testimony was not given for the purpose of raising a matter of public concern, but rather was given pursuant to her official duties and, therefore, is not protected by the First Amendment. id.

3. In Vila v. Padron, the plaintiff was employed by Miami-Dade Community College as the Vice president of External Affairs. 484 F.3d 1334, 1335 (11th Cir. 2007). During her employment, Vila alleged that she objected to numerous instances of unethical or illegal behavior of the College and its President and that, as a result, the College failed to renew her contract in retaliation for her communications that criticized such behavior. id. at 1340. At trial, Vila admitted that all of her communications related to the College and were under her jurisdiction and authority as the Vice President of External Affairs. id. Additionally, as part of her job duties, Vila was directly in charge of legal affairs of the College and it was her responsibility to ensure that it followed all laws. id. The court notes that all of her speech raised concerns about the legality of the College's actions and, therefore, fall directly within her official job duties and are not protected by the First Amendment. id. (citing *Garcetti* at 421). Because the court found no evidence that Vila made statements as a citizen on a matter of public concern, her claim for retaliation failed. id.

4. A former high school principal brought action against the school board, alleging that the board violated the First Amendment when it terminated him in retaliation for his efforts to convert his school into a charter school. D'Angelo v. Sch. Bd. of Polk County, 497 F.3d 1203, 1206 (11th Cir. 2007). Here, the court found that plaintiff's speech on charter conversion is not protected by the First Amendment because he did not speak as a citizen, as required by

Garcetti. id. at 1210. Plaintiff admitted that his efforts to convert his school to charter status were to fulfill his professional duties as principal, therefore, his First Amendment claim fails as a matter of law. id. at 1211.

5. In Phillips v. City of Dawnsonville, plaintiff served as city clerk of Dawsonville until the City Council unanimously voted not to reappoint her. 499 F.3d 1239, 1240 (11th Cir. 2007). While employed as the city clerk, plaintiff became aware of several instances that she believed to be inappropriate conduct on the part of then mayor and spoke to both the city attorney and a member of the city council about the conduct. id. Plaintiff claimed that her non-appointment constitutes unlawful retaliation. id. Following *Garcetti*, the court had to decide whether the plaintiff spoke pursuant to her official duties. The court determined that all of her allegations regarding the former mayor touched on a misuse of city resources: money, services and property. id. at 1242. Her duties as city clerk did not explicitly require her to report misconduct by the mayor, but it was within her official duties to inquire about and make statements about the potentially inappropriate use of city resources. id. The court concludes that plaintiff spoke in accord with her duty as a city clerk and not as a private citizen. id. Therefore, the court found that her retaliation claim must fail because the First Amendment does not protect a government employee fulfilling official responsibilities. id. at 1243.

6. A former fiscal officer for the Putnam County School District was asked by the board superintendent to prepare a confidential list of concerns about the Head Start program in Dennis v. Putnam County Bd. of Education, 260 Fed. Appx. 171, 173 (11th Cir. 2007). One of the responsibilities as fiscal officer is to report financial mismanagement. Therefore, the First Amendment does not protect the list of concerns disseminated by the plaintiff in her capacity as fiscal officer.

The Court held that plaintiff did not, as a matter of law, speak as a citizen on a mater of public concern when she disclosed the lists. id.

7. In Boyce v. Andrew, plaintiffs were caseworkers in the Dekalb County Department of Family and Children Services who alleged that their internal complaints regarding caseloads resulted in retaliation, including their termination and/or transfer. 510 F.3d 1333, 1336 (11th Cir. 2007). The relevant inquiry for the court was whether their internal complaints about caseloads were constitutionally protected public speech that shielded them from termination or transfer. id. The Supreme Court "clarified and simplified" this inquiry through its holding in *Garcetti*. id at 1342. To qualify as constitutionally protected speech in the First Amendment government employee retaliation context, as *Garcetti* has specified, the speech must be made by a government employee speaking as a citizen and be on a subject of public concern. id. The *Pickering* test is not triggered unless it is first determined that the employee's speech is constitutionally protected. id. at 1343. In determining whether the plaintiff's speech was constitutionally protected, the court noted that the form and context of their complaints was indicative of the fact that they intended to address only matters connected with their jobs at Dekalb DFCS. id. Additionally, the fact that information may be of general interest to the public does not alone make it of public concern for First Amendment purposes. id. at 1344. The relevant inquiry is whether the purpose of the plaintiff's speech was to raise issues of public concern. id. The record in this case indicates that the plaintiff's speech was not intended to address matters of public concern from the perspective of a citizen, even though it touched on issues of child safety and DFCS mismanagement. id. at 1345. Therefore, plaintiffs' speech was not entitled to First Amendment protection.

8. Former employees of the purchasing department of Fulton County, Georgia brought a First Amendment retaliation claim against their employer in Akins v. Fulton County, 278 Fed. Appx. 964, 965, 2008 U.S. App. LEXIS 11214 (11th Cir. 2008). Plaintiffs alleged that they were constructively discharged in retaliation for reporting certain bid irregularities to the county commissioner. id. In order to maintain a claim of First Amendment retaliation, a public employee must prove the following elements by a preponderance of the evidence: (1) the employee's speech is on a matter of public concern; (2) the employee's First Amendment interest in engaging in the speech outweighs the employer's interest in prohibiting the speech; and (3) the employee's speech played a substantial part in the employer's decision to demote or discharge the employee. id. at 970 (citing *Battle v. Bd. of Regents*, 468 F.3d 755, 759-760 (11th Cir. 2006)). The Supreme Court's holding in *Garcetti* "directly impacts the second element of a public employee's First Amendment retaliation claim." If a public employee speaks during the course of performing her job duties, her First Amendment interests will always be outweighed by her employer's interest in prohibiting the speech and the speech must fail as a matter of law. id.

The court in *Akins* determined the relevant issue to be not whether the plaintiffs had an affirmative duty to report bid irregularities to the county commissioner, but whether they made their statements to the commissioner as citizens who do not work for the government. id. at 971. The court found that plaintiffs made their statements as public employees because they did had a duty to report bid irregularities to their immediate supervisor. The fact that the plaintiffs had no affirmative duty to go outside the formal chain of command and directly report the irregularities to the commission does not convert their speech to that of a private citizen. id.

9. The plaintiff in *Schuster v. Henry County*, 281 Fed. Appx. 868 (11th Cir. 2008), claimed that he suffered retaliation for complaining about the disbursement of county funds and the accounting treatment of those funds. The Court notes that this speech falls within the scope of responsibilities that plaintiff identified as his job duties as Director of Finance. id. at 870. Plaintiff's complaints were also made in the context of his employment, although he spoke at times outside his usual chain of command. id. The Court held that because plaintiff's speech was speech as an employee performing his job, his allegation of unconstitutional retaliation must fail. id. at 871.

10. The former City Director of Leisure Services alleged that he was terminated in retaliation for responding to an email from a Commissioner attacking his job performance. In his reply email, plaintiff covered many topics and criticized the City's organizational structure and management. *Burton v. City of Ormond Beach*, 301 Fed. Appx. 848, 851 (11th Cir. 2008). *Garcetti* instructs that the inquiry into whether an employee spoke as a citizen is a "practical one." id. at 852. The form and context of plaintiff's email shows that he sent the email for the sole purpose of defending what he perceived to be a Commissioner unfairly criticizing the work he had done in his job. id. In addition, most of the issues raised in plaintiff's email had been raised by him internally for many years in his official capacity. id. at 853. The fact that plaintiff copied people outside of City employment on his email is unpersuasive, as they were not included on his original email chain and his response was clearly directed toward City leadership. id. Plaintiff failed to show that he spoke as a citizen and not as a public employee, therefore, his First Amendment claim must fail. id.

11. In *White v. Sch. Bd. of Hillsborough County*, 2009 WL 174944, *3 (11th Cir. 2009), the director of a charter school wrote a letter to the school board requesting that they waive certification requirements for a vocational teacher and also wrote a letter alleging that the fire safety inspector filed a false report on the school. The Court found that on this record, there is no dispute that plaintiff's statements were made in the course of her duties as director of the school, even if she had no formal duty to write the letters. id. The Court affirmed the grant of summary judgment on plaintiff's retaliation claim.

12. To state a claim that a government employer took disciplinary action in retaliation for constitutionally protected speech, a public employee must prove that they spoke as a citizen on a matter of public concern. That is the essence of *Abdur Rahman v. Walker*, 567 F.3d 1278, 1281 (11th Cir. 2009) (citing *Garcetti*, 547 U.S. at 418). In *Walker*, compliance inspectors with the county's public works department alleged that they had been fired in retaliation for reporting the county's noncompliance with the Clean Water Act. id. at 1280. *Garcetti* controls the analysis of whether the inspectors spoke as citizens. The inspectors' reports about sewer overflows "owe their existence" to the official responsibility of inspecting sanitary sewer overflows. id. at 1284. Additionally, the inspectors communicated their concerns to their supervisor rather than to their colleagues with primary oversight of complacence issues for sewer overflow. This choice "suggests that the inspectors did not believe that raising concerns about sewer overflows was exclusively the responsibility of someone else in another unit of their department and that they did not take a narrow, rigid view of their own responsibilities. id. Speech that owes its existence to the official duties of public employees is not citizen speech even if those duties can be described so narrowly as not to mandate the act of speaking. id. at 1285.

13. In *Hughley v. Upson County Board of Commissioners*, 696 Fed.Appx. 932 (11th Cir. 2017), the Eleventh Circuit affirmed the dismissal of Plaintiff's complaint for failure to state a cause of action. In so doing, the court relied on *Garcetti* in finding that a magistrate judge who was not reappointed to his position was not entitled to First Amendment protection because the comments in question – scolding a police officer and barring the officer from his courtroom – were comments made in furtherance of his official duties.

14. In *Carollo v. Boria*, 833 F.3d 1322 (11th Cir. 2016), the Eleventh Circuit held that comments made by a public employee about alleged violations of election laws by mayor and vice mayor were not protected by the First Amendment, following *Garcetti*.

15. In *Brown v. Orange County School Board*, 459 Fed.Appx. 817 (11th Cir. 2012), the Eleventh Circuit affirmed summary judgment on a public employee's claim was not protected under *Garcetti*, that the "speech concerned the storage and handling of hazardous materials and dangers encountered during the performance of his job and within his job responsibilities. In addition, Brown's speech occurred in the workplace, through OCSB's Employee Relations Department, rather than in a public forum, another fact indicating that he was not speaking as a citizen on a matter of public concern." id. at 820-821.

FACA
Florida Association of County Attorneys

Bryant Miller Olive

Avoiding SEC Enforcement Activity

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I. The SEC has Recently Increased its Public Finance Enforcement Activity

Enforcement Actions Against:	Governmental Entities	Individuals
2002-2012 (10 years)	6	12
2013-2017 (5 years)	76	16

II. Disclosure Statements

A. Official Statements

B. Other statements that are reasonably expected to reach investors and the trading markets (financials, websites, press releases, reported speeches)

III. Anti-fraud Provisions of the Securities Laws

A. Section 17(a) of the Securities Act of 1933
   i. Action may arise based on negligence or scienter
   ii. No private rights of action

B. Section 10b of the Securities Exchange Act of 1934
   i. Action requires scienter
   ii. Includes private rights of action

IV. Recent Enforcement Actions

A. Civil money penalties
   i. *In the Matter of The Port Authority of New York and New Jersey*, SEC Rel. No. 10278, File No. 3-17763 (January 10, 2017)
   ii. *SEC v. City of Miami, et al.*, Case 1:13-cv-22600 (S.D. FL) (SEC Complaint filed July 19, 2013)

B. Injunctions; halting bond offerings
   i. *SEC v. Harvey, Illinois, et al.*, Case No. 1:14-cv-04744 (SEC Complaint filed June 24, 2014)

C. Control person liability
   i. *SEC v. Kellogg*, Case No. 16-cv-5384 (SEC Complaint filed May 19, 2016)
   ii. *In the Matter of Allen Park, Michigan*, SEC Rel. No. 6977, 73539 (November 6, 2014)

D. Injunctions against public officials
   i. *SEC v. City of Miami, et al.*, Case 1:13-cv-22600 (S.D. FL) (SEC Complaint filed July 19, 2013)

V. Recommended Best Practices

A. Review Existing Disclosure Practices

B. Adopt Policies and Procedures with help of Disclosure Counsel

C. Conduct Periodic Training

LOCAL GOVERNMENT LOBBYING REGULATIONS – LOOK WHO'S TALKING

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ISSUE – R.REG.FLA.BAR 4-4.2

LOBBYISTS – WHAT ARE THE RULES IN YOUR JURISDICTION AND HOW CAN WE GAIN ACCESS TO THE DECISION-MAKERS?

LOCAL GOVERNMENTS – WHY ARE LOBBYISTS MEETING PRIVATELY WITH OUR ELECTED OFFICIALS AND WHAT DO THEY WANT?

DICHOTOMY OF PROPOSED SOLUTIONS

LOBBYISTS – NO/MINIMAL REGULATION

LOCAL GOVERNMENTS – COMPREHENSIVE REGULATIONS LIMITING ACTIVITY OUTSIDE OF THE SUNSHINE

CREATION OF GOVERNMENTAL & PUBLIC POLICY ADVOCACY COMMITTEE

- Florida Bar President Michael Higer created the GPPAC, a special committee comprised of lobbyists and local government attorneys, to find a mutually agreeable solution.
- There are numerous local lobbyist ordinances in place throughout Florida.
- Here are the benefits and detriments of both.

LOBBYING AT FLORIDA'S STATE LEVEL

FL. STAT. § 112.3215 – EXECUTIVE BRANCH

FL. STAT. § 11.045 – LEGISLATIVE BRANCH

FL. STAT. §§ 11.045 & 112.3215

- Both statutes are similar to one another.
- Minimal exceptions between the two statutes.

PROJECT

- ORDINANCE COMPILATION
  - ONLINE RESEARCH INCLUDING AMLEGAL, MUNICODE, LOCAL GOVERNMENT WEBSITES AND GOOGLE
  - TELEPHONIC & ELECTRONIC COMMUNICATION
- WHAT WE DISCOVERED
  - RELATIVELY FEW ORDINANCES – ONLY 10% OF LOCAL GOVERMENTS HAVE ONE
  - COMPLETE LACK OF CONSISTENCY

COMPARISON OF PERSPECTIVES

LOBBYIST PERSPECTIVE:

- KEY - ACCESS TO DECISION-MAKERS
- NO/MINIMAL REGULATION
- CLARIFYING DEFINITION OF LOBBYIST
- TRANSPARENCY FOR ALL – PAID VS. UNPAID (HOA'S, HEADS OF CIVIC GROUPS, ETC.)
- DEFERENCE TO STATE STATUTE AND DON'T EXERCISE HOME RULE

COMPARISON OF PERSPECTIVES

CITY/COUNTY ATTORNEY'S PERSPECTIVE:

- FLORIDA BAR RULE 4-4.2 & ETHICS OPINION 09-1
- TRANSPARENCY
- REGISTRATION PROCESS

SURVEY OF SELECT LOCAL GOVERNMENTS

- As mentioned, there is currently a hodgepodge of lobbyist ordinances throughout Florida.
- As part of the project, it became clear that several of the ordinances are worthy of further discussion, depending on the unique or peculiar language of each one.
- We have selected a handful for discussion today.

DUVAL COUNTY (JACKSONVILLE)

- Section 602.803. - Fee disclosure.

- "A lobbyist who attempts to persuade or influence a Council Member, a Council committee, or the Council as a whole; or an independent agency board member, committee, or the independent agency as a whole; on any project, contract, development, ordinance, resolution, or agenda item, shall, prior to commencing lobbying efforts, **file with the City's Council Secretary a disclosure revealing whether the lobbyist has a financial interest in the contract, development or project** that extends beyond its approval, and the percent of that interest."

HILLSBOROUGH COUNTY

- Section 2-218. - Registration of lobbyists.
- Registered lobbyists shall be **prohibited** from lobbying any Commissioner or other affected personnel regarding official County business via **text message** on that Commissioner's or personnel's **private cell phone** or other private media, such as **private e-mails**. In cases where such communication cannot be avoided, the lobbyist must send a copy of the communication to the Commissioner's County e-mail address.

BROWARD COUNTY (FORT LAUDERDALE)

- Section 2-264. - **Lobbying by former city commissioners, board members and employees; prohibition**.
- A person who has been elected to the city commission or who is employed by the city in Management Categories, I, II or III as identified in the Schedule of Salary Ranges adopted by the city commission as amended from time to time shall not conduct lobbying activities **for a period one (1) year after the termination of employment with the city, or within one (1) year from the last day of service to the city in any official capacity**. The provisions of this subsection shall only apply to persons who are officers or employees of the city after the effective date of this section.

BROWARD COUNTY (HALLANDALE BEACH)

- Section 2-3. - Lobbyists; registration and disclosure; enforcement.

"***Cone of silence***. Lobbyists shall **cease all contact and communication** with the city commission **48 hours before the date set for a decision on a matter**, unless contacted by a city commissioner. No city board, agency or committee shall have contact 48 hours before the date set for a decision on a matter." Section 2-3(e), City of Hallandale Beach Code of Ordinances.

CODE(S) OF ETHICS

- Unlike lobbyist regulation, there is already a clear body of Florida statutory law regulating ethics – Chapter 112.
- Generally speaking, it's a comprehensive set of ethics laws. But like any "one size fits all" approach to problem-solving, there are certainly shortcomings with Chapter 112.
- As a result, there are several counties (and cities) in Florida that have adopted internal ethics codes.

IS THIS POPULAR?

- Of the 67 Counties in Florida, only 16 have an independent ethics code, separate from Chapter 112.
- There is a clear pattern for when there is an independent ethics code:
  - It's not land area
  - It's not geographic location
  - It's not political-affiliation (as measured by registered voters)
- It's: Population

THE BIGGER YOU ARE…

Of the top 15 Florida Counties by population, 11 have an ethics code adopted by local ordinance, with an additional 3 counties "adopting" local ethics provisions either by rule or other means (such as an employee handbook).

On the other end, of the smallest (by population) 40 Florida Counties, only one has an ethics code adopted by local ordinance.

THE TRANSITIONAL MIDDLE

IF YOU HAVE OVER 350,000 RESIDENTS

75% of these Counties (12 out of 16) have an ethics code adopted by local ordinance.

POPULATION BETWEEN 350,000 AND 275,000

Roughly one third (2 out of 7) of these Counties have an ethics code adopted by local ordinance.

IF YOU HAVE UNDER 275,000 RESIDENTS

4% of these Counties (2 out of 45) have an ethics code adopted by local ordinance.

WHY DO WE HAVE LOCAL ETHICS CODES?

- As stated before, some localities have decided that there is a need for more comprehensive ethics legislation than that included in Chapter 112.
- Several Counties have adopted interesting and issue-specific ethics provisions, tailored to meet local needs.

MIAMI-DADE COUNTY

- Perhaps the most robust ethics legislation at the county level in Florida.
- One of the more unique aspects is the creation of an Ethics Commission, which has the ability to render opinions on conflict of interest matters. See Section 2-11.1(c)(4), Miami-Dade County Code of Ordinances.

MIAMI-DADE COUNTY

- Another interesting aspect is the actual composition of the Ethics Commission.
- **Sec. 2-1069. - Membership, qualifications, terms, vacancies.**
- (a) *Composition and appointment.* The Ethics Commission shall be composed of five (5) members. The members of the Ethics Commission shall be appointed as follows:
- (1) The Chief Judge of the Eleventh Judicial Circuit shall be requested to appoint one (1) former federal judge, or former United States magistrate or former State court judge;
- (2) The Chief Judge of the Eleventh Judicial Circuit shall be requested to appoint one (1) former U.S. Attorney or Assistant U.S. Attorney, former State Attorney or Assistant State Attorney, former County Attorney or Assistant County Attorney or former City Attorney or Assistant City Attorney;
- (3) The Dean of the University of Miami School of Law or St. Thomas School of Law shall on a rotating basis be requested to appoint one (1) faculty member from his or her law school who has taught a course in professional legal ethics or has published or performed services in the field of professional legal ethics. The Dean of the University of Miami shall be requested to appoint the first faculty member to sit on the Ethics Commission. Upon the expiration of said member's term, the Dean of St. Thomas School of Law shall be requested to appoint a faculty member to sit on the Ethics Commission. Thereafter, each Dean shall on a rotating basis select a faculty member from his or her law school;
- (4) The Director of Florida International University's Center for Labor Research and Studies shall be requested to appoint one (1) member; and
- (5) The Miami-Dade County League of Cities, Inc. shall be requested to appoint one (1) member who has held elective office at the local level prior to appointment.

MIAMI-DADE COUNTY

- All five members are appointed independently from the Board of County Commissioners and County Management.
- At least two are required to be either practicing or former attorneys.
- Cannot hold or campaign for any elective political office. See Section 2-1069(e)(1), Miami-Dade County Code of Ordinances.

COLLIER COUNTY

- Zero tolerance for gifts.
- "The board finds that more stringent requirements are needed with regard to the value of gifts that may be provided by lobbyists to public officers and employees beyond the standards set forth in F.S. § 112.3148. Specifically, the board finds that a zero gift limit, rather than $100.00 as set forth by F.S. § 112.3148, should be enacted in order to better promote and preserve the integrity of the governmental decision-making process." See Section 2-2054(h), Article X, Collier County Code of Ordinances.

COLLIER COUNTY

- Serious penalties applicable!
- "Pursuant to F.S. § 125.69, a person who violates any provision of this Ordinance shall be subject to prosecution in the name of the state in the manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed $500.00 or by imprisonment in the Collier County Jail not to exceed 60 days or by both such fine and imprisonment." See Section 2-2060, Article X, Collier County Code of Ordinances.

INDIAN RIVER COUNTY

- As with several of the counties, the ordinance makes clear that it is intended to supplement Chapter 112 and that, in the event of a conflict between the two, "the more stringent requirement shall apply." See Section 104.06(1), Indian River County Code of Ordinances.
- Requires that any possible violation of the ordinance be reduced to written affidavit and forwarded to the local state attorney (19th Judicial Circuit) for "investigation and appropriate action." See Section 104.06(3), Indian River County Code of Ordinances.

INDIAN RIVER COUNTY

Has a unique "catch-all" provision:

"A person shall avoid any action, whether or not specifically prohibited by this section, which might result in:

- (a) Using public office for private gain;
- (b) Giving preferential treatment to any person; or
- (c) Making a government decision outside official channels."

Section 104.06(4), Indian River County Code of Ordinances

SARASOTA COUNTY

- Has ethics codified in two different locations:
  - In the general "Standards of Conduct"; and
  - In "County Procurement Code"

    See both Section 2-121 and Section 2-213, Sarasota County Code of Ordinances.
- Different purposes for each section.

SARASOTA COUNTY

- Sarasota's Declaration of Policy in the "Standards of Conduct" section:
- "It is hereby declared to be the policy of the Legislature that no officer or employee of Sarasota County, or any municipality, agency or district within Sarasota County, shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. To implement such policy and to strengthen the faith and confidence of Sarasota County in their governmental units, there is herein enacted a code of ethics setting forth standards of conduct to be observed by employees of Sarasota County and any part thereof and all municipalities, agencies and districts in Sarasota County in the performance of their official duties. It is the intent of the Legislature that this code shall serve not only as a guide for official conduct of the County's municipalities', agencies' and districts' public servants but also as a basis for discipline of those who violate the provisions of this division." Section 2-121, Sarasota County Code of Ordinances.

SARASOTA COUNTY

- Procurement Code has an interesting aspect. It is specifically applicable to **vendors**.
- "Sarasota County requires each vendor who seeks to do business with Sarasota County to comply with the following ethical standards:
- (1) No vendor shall discuss or consult with other vendors intending to compete for the same or similar contract for the purpose of bid rigging, collusion or other activities that are illegal, unethical or limiting competition.
- (2) No vendor shall submit false information or intentionally submit misleading information to Sarasota County.
- (3) After the issuance of any solicitation, no current or prospective vendor or any person acting on their behalf, shall contact, communicate with or discuss any matter relating to the solicitation with any Sarasota County employee or elected or appointed official, other than the Procurement Official or his/her designees. This prohibition ends upon execution of the final contract or upon cancellation of the solicitation. Any current or prospective vendor that lobbies any Sarasota County employee or elected or appointed official while a solicitation is open or being recommended for award (i) may be deemed ineligible for award of that solicitation by the Procurement Official, and (ii) will be subject to Suspension and Debarment outlined in Section 2-223."

Section 2-213(c), Sarasota County Code of Ordinances.

BE SURE TO READ AND CLOSELY MONITOR

Proposed Committee Bill ("PCB") Filed by the Public Integrity & Ethics Committee ("PIE") 18-02

WHAT DOES PCB PIE 18-02 PROPOSE TO DO?

- Creates § 112.3262, Fla. Stat. (2018), which:
  1. Regulates lobbying before, *inter alia*, local governments such as counties and municipalities;
  2. Creates the "Local Government Lobbyist Registration System" to register lobbyists who wish to lobby local governments;
  3. Preempts any local government ordinance or rule which requires lobbyist registration;
  4. Prohibits a local government from charging a fee for registration of lobbyists and principals (i.e., person, firm corporation or other entity which has employed/retained a lobbyist);
  5. Prohibits local governments from charging a fee for the enforcement of lobbyist regulation except as is reasonable and necessary to cover the cost of such enforcement;
  6. Requires lobbyists who lobby local governments must first register with the Commission on Ethics ("EC") and annually pay a registration fee to the EC;
  7. Requires local governments to keep tabs on the lobbyists lobbying them and prohibits local governments from knowingly authorizing an unregistered lobbyists to lobby the entity; and
  8. Provides for a complaint process through the EC, including civil penalties, censures and suspensions.

WHAT IS THE SILVER LINING?

- Local governments may adopt a lobbyist ordinance, **and** that ordinance will survive the new statute's preemption **provided**:
  1. EC is notified and provided a copy of the adopted ordinance by January 1, 2019;
  2. The ordinance imposes additional or more stringent obligations ***(not less)*** with respect to lobbyist compensation reporting or other conduct involving lobbying activities; and
  3. EC is provided with a copy of any associated form(s) that has/have been established to facilitate compliance with the ordinance.

CONCLUDING THOUGHTS

CODE OF ETHICS' SURVEY

OF

FLORIDA COUNTIES

"Local Government Lobbying Regulations – Look Who's Talking"

Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay

Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

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62. Taylor
63. Union
64. Volusia
65. Wakulla
66. Walton
67. Washington

ALACHUA COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

ALACHUA COUNTY CODE OF ETHICS:

The Code of Ethics for Alachua County are the statutory provisions of Chapter 112, Florida Statutes.

BAKER COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

BAKER COUNTY CODE OF ETHICS:

The Code of Ethics for Baker County are the statutory provisions of Chapter 112, Florida Statutes.

BAY COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

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Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

BAY COUNTY CODE OF ETHICS:

The Code of Ethics for Bay County are the statutory provisions of Chapter 112, Florida Statutes.

BRADFORD COUNTY Florida

BRADFORD COUNTY

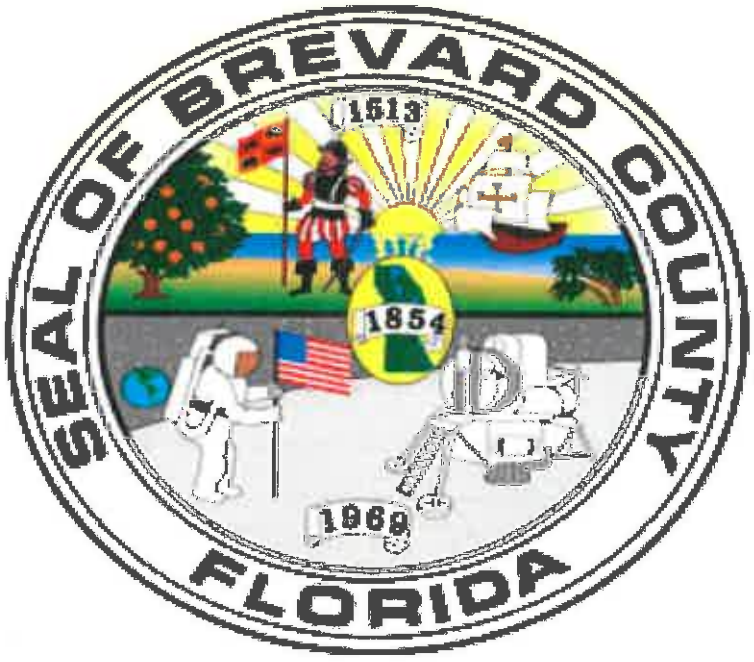
BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

BRADFORD COUNTY CODE OF ETHICS:

The Code of Ethics for Bradford County are the statutory provisions of Chapter 112, Florida Statutes.



BREVARD COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

BREVARD COUNTY CODE OF ETHICS:

See the enclosed adopted ordinance.

Chapter 3 - CODE OF ETHICS

Sec. 3-1. - Creation, findings, and intent.

The board of county commissioners of Brevard County, Florida, hereinafter referred to as the "board," hereby determines and declares that the operation of responsible government is to work for the benefit of citizens of Brevard County, hereinafter referred to as the "county." In order to preserve and maintain the integrity of the governmental decision-making process, the board finds it appropriate to: establish a process to register lobbyists and penalize those who fail to register; implement a ban on commissioners from lobbying before the county or obtaining employment with the county, with an exception, within four years of vacating office; prevent commissioners from accepting gifts from a lobbyist totaling more than $25.00 in value during any calendar year; and, create a board procedure when commissioners travel out-of-state using county funds. Therefore, in order to promote transparency and honesty in government, the board finds it necessary to adopt a code of ethics as more fully set forth herein.

(Ord. No. 2017-21, § 1, 9-19-17)

Sec. 3-2. - Construction.

This chapter shall be broadly construed to affect its purpose of preserving transparent and ethical government for the benefit of all citizens of the county.

(Ord. No. 2017-21, § 2, 9-19-17)

Sec. 3-3. - Authority.

Pursuant to F.S. § 112.326 and F.S. chs. 112 and 125, the board is authorized to establish a code of ethics. The board finds that this code of ethics will foster open government and serve to promote and protect governmental integrity.

(Ord. No. 2017-21, § 3, 9-19-17)

Sec. 3-4. - Definitions.

As used in this chapter, unless the context otherwise requires:

Board or *county commission* means the board of county commissioners of Brevard County, Florida, as well as the governing body, collegial board, or board of directors of any other decision-making board, advisory board, or advisory committee under the jurisdiction of the board of county commissioners.

County means Brevard County, Florida.

County official means any elected officer, appointed officer, or county employee under the jurisdiction of the board of county commissioners. "County official" includes, but is not limited to, all county commissioners, personal staff of each county commissioner, county managers, assistant county managers, department heads, joint employees with other governmental entities or agencies, and supervisory and non-supervisory part-time and full-time personnel employed by the board, including temporary and seasonal employees.

Gift means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given within 90 days of the date of delivery, including:

(1) Real property.

(2) The use of real property.

(3) Tangible personal property or the use of tangible personal property.

(4) Intangible personal property or the use of intangible personal property. Intangible personal property means property as defined in F.S. § 192.001 (11)(b).

(5) A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.

(6) Forgiveness of indebtedness.

(7) Transportation, other than that provided to a county official by an agency in relation to officially approved governmental business, lodging, or parking.

(8) Food or beverage.

(9) Membership dues to the extent not authorized by board policy or

contractual obligations.

(10) Entrance fees, admission fees, or tickets to events, performances, or facilities.

(11) Plants, flowers, or floral arrangements.

(12) Services provided by persons pursuant to a professional license or certificate.

(13) Other personal services for which a fee is normally charged by the person providing the services.

(14) Any other similar service or thing having a value not already provided for in this definition.

(15) The term "consideration" does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts.

"Gift" does not include:

(1) A gift from a relative.

(2) Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.

(3) Except as provided in F.S. § 112.31485, contributions or expenditures reported pursuant to F.S. ch. 106, contributions or expenditures reported pursuant to federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party or affiliated party committee.

(4) An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.

(5) An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.

(6) An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.

(7) The use of a public facility or public property, made available by a governmental agency, for a public purpose.

(8) Transportation provided to a county official by an agency in relation to officially approved governmental business.

(9) Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

Government action means any legislative, quasi-judicial, or administrative matter that may foreseeably be considered and acted upon by county officials, but shall not include an action which is ministerial in nature.

Lobbying activities means any communication, whether oral or written, direct or indirect, from a lobbyist made to any county official, including a member of the county commission, in a location other than a duly noticed and recorded public meeting or public hearing, where such communication is intended to or could reasonably be expected to influence the passage, defeat, or modification of an item which may foreseeably come:

(1) Before a decision-making board, advisory board, or advisory committee for a vote or other formal action, or

(2) Before a county official for an administrative approval or action.

Lobbying firm means a business entity, including any entity consisting of an individual lobbyist that receives, agrees to receive or is entitled to receive any compensation for the purpose of lobbying, whether through a partner, owner, officer, or employee of the business.

Lobbyist means any person, firm, corporation, partnership, limited liability company, or any other legal entity who or which is hired by a person for the sole purpose of conducting lobbying activities on behalf of that person. "Lobbyist" does not include:

(1) A person acting in his/her own private capacity;

(2) A county official or any other person affiliated with the county while acting in his or her official capacity or in connection with his or her official job responsibilities;

(3) Any county officials who are acting in their official capacity or in the normal course of their duties;

(4) A person who only addresses the board, a decision-making board, advisory board, or advisory committee during a publicly held meeting, including, but not limited to, the following portions: Consent agenda; public comment; new business; or, unfinished business;

(5) An attorney, or any representative, retained or employed solely for the purpose of representing an individual or other legal entity during a publicly noticed meeting or hearing before any decision-making board, advisory board, or advisory committee;

(6) A person or entity requested or compelled by a county official or by a member of a decision-making board, advisory board, or advisory committee to appear before such an entity;

(7) A person or entity, including an expert witness, who does not meet with an individual county official prior to a meeting of the decision-making board, advisory board, or advisory committee considering a matter or measure but later appears before a decision-making board, advisory board, or advisory committee to present or give factual or opinion testimony about that matter or measure; or

(8) A full-time or part-time employee or professional consultant while acting in the ordinary course of such employee's or consultant's scope of employment on behalf of his/her employer or client, provided such employer or client is not a lobbying firm.

Person means any natural person or any sole proprietor, corporation, partnership, limited liability company, joint venture, trust, or other legal entity in whatever form it has been created or named.

Principal means the person, firm, corporation, or other legal entity which has employed or retained a lobbyist.

Registration statement means the document that shall be maintained on the county website for the purposes of lobbyist registration containing:

(1) The lobbyist's name, phone number, mailing address, and email address;

(2) The name, phone number, and address of each principal represented;

(3) The date of submission;

(4)

An oath or affirmation attesting that the information contained in the registration statement is true to the best of the lobbyist's knowledge and belief.

Relative means an individual who is related to a county official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the county official or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the county official intends to form a household, or any other natural person having the same legal residence as the county official.

Violation means engaging in an act with the intention or actual knowledge that the act is prohibited under this chapter.

(Ord. No. 2017-21, § 4, 9-19-17)

Sec. 3-5. - Lobbyist registration process.

(a) *General requirements.* Prior to engaging in lobbying activities, a lobbyist shall fill out the registration statement form maintained on the Brevard County website, which shall be in substantially the same format as is incorporated into this chapter as Form A(1). The form shall include a written declaration, as provided by F.S. § 92.525(2), whereby the lobbyist must attest to the truthfulness and accuracy of the information reported on the application. In order to continue lobbying activities in any succeeding years, such registration statement must be renewed within 30 days prior to the statement's expiration date. Hard copies of the registration form may also be provided by the county manager, or his/her designee, to any lobbyist requesting the same, provided the completed form is maintained as a PDF document on the county's website.

(b) *Expiration of registration statement.* Registration statements are effective for one year.

(c) *Registration fee.* No registration fee is required.

(d) *Penalties.*

(1) A first violation of this section shall result in the issuance of a written warning to the lobbyist by the county manager's office. This notice shall be issued in accordance with section 2-179, Brevard County Code of Ordinances.

(2) A second violation shall be punishable by a fine imposed on the lobbyist in the amount of $250.00. There will be a $250.00 fine for each violation thereafter.

(3) Each incident of a lobbyist engaging in lobbyist activities with a county official without first being registered shall constitute a separate violation.

(4) Any fine shall be imposed and enforced through the county's code enforcement process as outlined in chapter 2, article VI, division 2 of the Brevard County Code of Ordinances.

(Ord. No. 2017-21, § 5, 9-19-17)

Sec. 3-6. - Lobbying and employment bail for commissioners.

(a) No current county commissioner or future county commissioner who is elected to the board after the effective date of this chapter shall be permitted to conduct lobbying activities as a registered lobbyist as defined by the previous definition before the board, any county department, or any county official within four years after vacating office.

(b) No current county commissioner or future county commissioner who is elected to the board after the effective date of this chapter shall be employed by, or receive any financial remuneration from, any entity solely under the county's jurisdiction within four years after vacating office. This provision only applies in cases where a current or post-enactment commissioner will be compensated at a higher rate than his/her yearly compensation as a county commissioner.

(c) This prohibition shall not apply to commissioners who are subsequently elected to another office.

(d) This section cancels Board Policy BCC-20.

(Ord. No. 2017-21, § 6, 9-19-17)

Sec. 3-7. - Prohibition on acceptance of gifts.

(a) A county commissioner shall not accept gifts from a lobbyist totaling more than

$25.00 in value during any calendar year.

(b) No county official shall solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the official action or judgment of the official would be influenced thereby. No county official shall accept any gift, favor, or thing of value that may influence, or appear to influence, the discharge of his/her public duties.

(c) The county shall make a reasonable effort to communicate this gift prohibition to county vendors. At a minimum, such communication shall include notification of this section's provisions on the county's website.

(d) This section cancels any prior inconsistent board policy.

(Ord. No. 2017-21, § 7, 9-19-17)

Sec. 3-8. - Use of county funds for out-of-state travel.

(a) The use of county funds for any out-of-state travel must be approved or ratified by a majority of county commissioners at a regular and/or special meeting.

(b) The county commission shall be subject to the travel procedures outlined in Brevard County Administrative Order AO-21.

(Ord. No. 2017-21, § 8, 9-19-17)

Sec. 3-9. - Penalties.

Unless otherwise prescribed in this chapter, and as authorized by F.S. § 125.69(1), upon conviction of a violation of this chapter, the court may impose any fine not to exceed $500.00 or up to 60 days imprisonment in the county jail, or both such fine and imprisonment.

(Ord. No. 2017-21, § 9, 9-19-17)

BROWARD COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

BROWARD COUNTY CODE OF ETHICS:

See the enclosed adopted ordinances.

18.45. - Representation and Reimbursement of Elected Officials, Employees, and Appointees in the Defense of Civil Litigation and Ethics Complaints.

a. Definitions. As used in this section, the following terms mean as indicated:

1. *Appointee* shall mean any person appointed by the Board to any County board, committee, authority, or agency.

2. *Elected Official* shall mean all members of the Board and the County's elected constitutional officers.

3. *Employee* shall mean any person employed full-time or part-time by the County.

4. *Legal Expenses* shall mean reasonable attorney's fees and reasonable costs incurred in defending an Elected Official, Employee, or Appointee in accordance with this section.

5. *Outside Counsel* shall mean an attorney, other than an attorney employed by the Office of the County Attorney, retained by the Elected Official, Employee, or Appointee for the purpose of providing a defense in accordance with this section.

b. Defense of Elected Officials, Employees, and Appointees in Civil Litigation, Claims, Proceedings or Actions.

1. Upon the written request of an Elected Official, Employee, or Appointee, the County shall provide for the legal defense of such person in any civil litigation, claim, proceeding, or action brought against such person that asserts liability resulting from actions such person took in the course and scope of such person's service to the County. This section shall not apply to any matter brought or initiated by the County against the Elected Official, Employee, or Appointee.

2. Providing such legal defense shall be contingent upon the execution of a reservation of rights by the person requesting the legal defense, as provided in subsection (g).

3. The legal defense shall, as determined by the County Attorney after an investigation of the allegations, be provided:

(a) By the Office of the County Attorney if, upon investigation, there is no apparent conflict of interest; or

(b)

If the investigation reveals an apparent conflict of interest or, if at any subsequent time the Office of the County Attorney determines there is an apparent conflict of interest, by advancing the Legal Expenses charged by Outside Counsel retained by the Elected Official, Employee, or Appointee.

4. The County's obligation to provide a legal defense under this subsection b. (whether directly or by paying Legal Expenses) shall cease upon the earlier of the conclusion of the litigation or the Office of the County Attorney determining that there is a substantial likelihood the Elected Official, Employee, or Appointee will be found personally liable.

c. Representation of Elected Officials, Employees, and Appointees in Certain Matters Pending Before the Florida Commission on Ethics.

1. Upon the written request of an Elected Official, Employee, or Appointee, the County shall provide for the legal defense of such person in matters pending before the Florida Commission on Ethics that arose directly from such person's service to the County.

2. This legal defense may be provided by the Office of the County Attorney only if:

(a) The Elected Official, Employee, or Appointee requests such representation by the Office of the County Attorney;

(b) Both the person requesting the legal defense and the County, through the County Administrator, give informed consent, confirmed in writing, to the representation; and

(c) The Office of the County Attorney can readily determine that the allegations in the ethics complaint are frivolous and unfounded.

3. Representation by the Office of the County Attorney shall cease at the earlier of a dismissal of the ethics complaint based on legal insufficiency or a probable cause determination.

4. If any factor in subsection c.2. above is absent:

(a) The County shall pay the Legal Expenses charged by Outside Counsel until the complaint is dismissed for legal insufficiency or a probable cause determination is made, whichever occurs first;

(b)

The County shall continue to pay the Legal Expenses charged by Outside Counsel for the legal defense provided subsequent to a probable cause determination if, in the determination of the Office of the County Attorney, the underlying conduct upon which the ethics complaint was based arose out of or in connection with the performance of official duties and served a public purpose; and

(c) If the County does not provide payment for Legal Expenses subsequent to a probable cause determination, the County shall reimburse such Legal Expenses when the complaint is ultimately dismissed or there is a finding of no violation, provided, consistent with the requirements of law, there is a finding that the underlying conduct upon which the ethics complaint was based arose out of or in connection with the performance of official duties and served a public purpose.

d. Payment of Certain Judgments or Settlements. To the full extent allowed under applicable law, the County:

1. Shall pay (or reimburse an Elected Official, Employee, or Appointee for) any final judgment, including for damages, costs, and attorney's fees, entered against an Elected Official, Employee, or Appointee arising from any act or omission in the course and scope of such person's service to the County except for acts of intentional misconduct; and

2. May pay (or reimburse an Elected Official, Employee, or Appointee for) any settlement, including for damages, costs, and attorney's fees, arising from any act or omission in the course and scope of an Elected Official's, Employee's, or Appointee's service to the County except for acts of intentional misconduct.

e. Preservation of Immunities. Nothing in this section shall be construed, or shall in any way operate, as a waiver by the County or by an Elected Official, Employee, or Appointee of any immunity, including but not limited to sovereign immunity, that is or may be applicable to any action, claim, demand, or circumstance.

f. Authorization. The County Administrator is hereby authorized to expend County funds in accordance with this section. The expenditure of County funds shall be paid from a specific County account established in the County budget for the purposes of this section or from the undesignated general fund. The expenditure of County funds in

accordance with this section shall be contingent upon the Office of the County Attorney reviewing and approving the bills for Legal Expenses submitted by Outside Counsel.

g. Reservation of Rights. The provision of any legal defense and any obligation to pay or reimburse Legal Expenses hereunder shall be contingent upon the person requesting the defense executing a reservation of rights recognizing the following:

1. Any obligation to pay or reimburse Legal Expenses is limited to the fees and costs described in subsection a.4. above. The person requesting the legal defense shall be solely responsible for paying any fees and costs in excess of such described fees and expenses;

2. The County has the right, at any time, to stop providing, paying for, or reimbursing any legal defense if the Office of the County Attorney determines granting or continuing such defense, payment, or reimbursement would be inconsistent with the purposes of this section, would violate applicable law, or if the person requesting the defense fails to fully cooperate in the defense.

3. In accordance with Section 111.07, Florida Statutes, if the person requesting the defense is ultimately found to be personally liable by:

   i. Acting outside the scope of his or her employment or service;

   ii. Acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property; or

   iii. In the context of a civil rights action, by being determined in the final judgment to have caused the harm intentionally,

   the County has the right to seek to recover from such person any and all Legal Expenses paid or reimbursed in defense of such person.

4. With regard to matters pending before the Florida Ethics Commission, the person requesting such legal defense shall be obligated to reimburse the County for any Legal Expenses paid by the County to Outside Counsel in connection with such defense if the Florida Ethics Commission ultimately determines the ethics provision was violated and such determination is affirmed in any subsequent appeal, or if it is determined by a judicial or administrative tribunal that the underlying conduct upon which the ethics

complaint was based did not arise out of or in connection with the performance of official duties, or that the conduct did not serve a public purpose; and

5. In accordance with applicable law, including Subsection 112.317(7), Florida Statutes, and Section 34-5.0291 of the Florida Administrative Code, the County has the right to seek recovery of Legal Expenses incurred by the County from the complaining party, as subrogee of the Elected Official, Employee, or Appointee.

h. Where an Elected Official, Employee, or Appointee fails to avail himself/herself of the provisions of this section, and no legal defense is provided at the expense of the County, nothing herein shall prohibit such Elected Official, Employee, or Appointee from seeking reimbursement from the County for Legal Expenses incurred in the successful defense of an ethics complaint or civil litigation matter, to the extent such reimbursement may otherwise be available under applicable law.

i. Applicability. The provisions of this section shall apply to all civil litigation and ethics proceedings, including appeals thereof, pending or instituted after the effective date of this section.

j. No legal defense shall be provided under this section if, and to the extent, a legal defense is available under any policy of insurance.

(2007-770, 11-13-07)

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, sec. 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. 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. Elected Officials shall not lobby any covered individual. Such lobbying is deemed to be in substantial conflict with the proper discharge of an Elected Official's duties in the public interest.

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 immediate family member or County or municipal office staff of an Elected Official shall lobby any covered individual or, except as permitted in the sentence immediately below, conduct business as a vendor or contractor with the local governmental entity served by the Elected Official. An immediate family member of an Elected Official may conduct business as a vendor or contractor with the local governmental entity served by the Elected Official where such activity is permissible under state law, provided that the Elected Official attests in writing, on a form filed for public inspection within fifteen (15) days after such attestation, that such immediate family member and the Elected Official do not share a primary residence, the immediate family member is not listed as a dependent on the Elected Official's most recently filed federal tax return, and that 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 Contribution Fundraising.

1. The solicitation of funds by an Elected Official for a nonprofit charitable organization, as defined under the Internal Revenue Code, is permissible so long as there is no quid pro quo or other special consideration, including any direct or indirect benefit between the parties to the solicitation.

2. To promote the full and complete transparency of any such solicitation, an Elected Official shall disclose, on a form created by the Office of the County Attorney, the name of the charitable organization, the event for which the funds were solicited, and the name of any individual or entity that requested that the

Elected Official engage in the charitable fundraising solicitation. The form shall be filed for public inspection within fifteen (15) days after the solicitation of funds by the Elected Official.

3. An Elected Official may not use staff or other resources of his or her governmental entity in the solicitation of charitable contributions.
4. The requirements and prohibitions of this subpart shall not apply to actions of an Elected Official in connection with charities or fundraising events formally approved by the official's governmental entity.
5. Salary received by a Municipal Official from a nonprofit charitable organization employing the Municipal Official shall not be considered a quid pro quo or other special consideration for purposes of paragraph 1 above. Additionally, the disclosure requirement contained in paragraph 2 above shall not apply to Municipal Officials who are employed by a nonprofit charitable organization when soliciting charitable contributions on behalf of that organization.

b. Campaign Contribution Fundraising.

1. It is the intent of this code to promote the full and complete transparency of campaign contributions received by Elected Officials, consistent with the disclosure requirements provided by state statute.
2. Any campaign finance disclosure that an Elected Official must submit to the Supervisor of Elections, or to the appropriate municipal election official, in accordance with the provisions of Chapter 106, Florida Statutes, shall, contemporaneously, be filed 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.

3. Elected Officials who solicit campaign contributions for other candidates for public office shall disclose, on a form created by the Office of the County Attorney, the name of the candidate for whom they are soliciting, the location and date of any associated event, and both the name and contribution amounts of any individual who provided contributions, directly or indirectly, to the Elected Officials for subsequent delivery to the candidate. The form shall be filed for public inspection within fifteen (15) days after the solicitation of funds by the Elected Officials.

4. An Elected Official may not use any staff or other resources of his or her governmental entity 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 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. The prohibitions stated in the preceding paragraph shall also not apply to the hiring (or contractual procurement, in lieu of hiring) of individuals who report directly to a local governing body. Additionally, the prohibitions stated in the preceding paragraph shall not be interpreted as prohibiting any Elected Official from attending 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 completed 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)

Sec. 2.05. - County Commission meetings, rules and voting.

A. The County Commission shall meet regularly at such times and places as the County Commission may prescribe by rule. Special meetings may be held on the call of the Mayor or a majority of the members of the County Commission upon no less than twelve (12) hours' notice to each member, except in the event of an emergency.

B. The County Commission shall determine its own rules and order of business.

C. A Commissioner may place an item on the County Commission agenda for any meeting according to the rules adopted by the County Commission.

D. The vote of each Commissioner shall be recorded in the minutes.

E. Voting Conflicts.

(1) Any County Commissioner who will be required to recuse oneself from voting on a matter to be considered by the County Commission or who recuses oneself from voting on a matter being considered by the County Commission due to a voting conflict, pursuant to Chapter 112, Florida Statutes, as amended from time to time, shall leave the Commission chamber prior to debate and not communicate or participate in any discussion relating to that matter.

(2) Any County Commissioner who recuses oneself from voting on a matter being considered by the County Commission due to the appearance of a voting conflict, pursuant to Chapter 286, Florida Statutes, as amended from time to time, or for any reason not otherwise provided for herein, shall disclose the conflict prior to debate, and may remain on the dais and participate in the discussion relating to that matter.

Sec. 2.07. - Non-interference in County administration.

Except for the purpose of formal inquiries and investigations, the County Commission and its members shall deal with County officers and employees who are subject to the direction and supervision of the County Administrator solely through the County Administrator, and neither the Commission nor its members shall give orders to any such officer or employee, either publicly or privately. Nothing in the foregoing is to be construed to prohibit individual members of the Commission from closely scrutinizing, by question and personal observation, all aspects of County government operations so as to obtain independent information to assist the members in the formulation of sound policies to be considered by the Commission. It is the express intent of this

provision, however, that such inquiry shall not interfere directly with the ordinary operations of the County, and that recommendations for change or improvement in County government operations be made through the County Administrator.

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Sec. 2.16. - Enforcement and penalties.

Violation of any of the provisions of Section 2.05.E or Section 2.07 may constitute grounds for reprimand, pursuant to the applicable statutory and constitutional provisions. Abuses that are also a violation of Chapter 112, Florida Statutes, as amended from time to time, may result in the filing of an ethics complaint with the Florida Ethics Commission. Any elected public officer who violates Section 2.05.E or Section 2.07, or otherwise engages in misfeasance, malfeasance or abuse of his or her position shall also be subject to censure by a supermajority vote of the County Commission.

Sec. 26-67. - Intent and declaration of policy.

(a) Essential to the proper operation of government is the commitment of its elected and appointed officials and government employees to independence, impartiality, and responsibility to the people they serve. To achieve this goal, it is necessary that government decisions and policy be made through the proper channels of the governmental structure; that public office and employment not be used for personal gain; and that the people have confidence in the integrity of their government. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected and appointed officials and government employees.

(b) Chapter 112, Florida Statutes, Part III, Code of Ethics for Public Officers and Employees, defines and describes the minimum standards of conduct required of County employees and officials. The County adopts the higher standards of conduct delineated in this Article.

(c) Code of Conduct.

(1) It is the policy of the County to uphold, promote, and demand the highest standards of ethics from all of its employees and officials, whether elected, appointed, or hired. Accordingly, all County Commissioners, employees, and individuals appointed to Boards, Committees, Agencies, and Authorities must maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties, and must avoid even the appearance of impropriety in the performance of their duties and responsibilities.

(2) In furtherance of this policy, the following public service values have been adopted by the Board of County Commissioners. These values shall be the foundation of the County's organizational philosophy and the basis for the development and implementation of policies and procedures governing ethical behavior.

a. Public Trust.

1. We serve the community;
2. We consider the interests of the entire community in our decisions;
3. We are committed to merit-based award of public employment

and public contracts;

4. We promote the efficient use of the County's resources;
5. We do not accept gifts or other special considerations given to influence our vote or public position; and
6. We will not use our public position for personal gain.

b. Integrity.

1. We are truthful with our elected officials, our peers, the public, and others;
2. We do not promise that which we have reason to believe is unrealistic;
3. We are prepared to make unpopular decisions to further the public's interest;
4. We give credit to others' contributions in moving our community's interests forward;
5. We do not knowingly use false or inaccurate information to support our positions;
6. We recuse ourselves from decisions when our personal or our relatives' financial interests may be affected by our agency's actions; and
7. We disclose suspected instances of impropriety to the appropriate authorities.

c. Responsibility.

1. We come to meetings prepared;
2. We do not disclose confidential information without proper legal authorization;
3. We represent the official positions of the County to the best of our ability;
4. We explicitly state that our personal opinions do not represent the County's position and do not allow the inference that they do;
5. We refrain from any action that might appear to compromise our independent judgment;
6. We take responsibility for our own actions, even when it is

uncomfortable to do so;

7. We do not use information that we acquire in our public capacity for personal advantage; and
8. We do not represent third parties' interests before our agency.

d. Fairness.

1. We make decisions based on the merits of the issues;
2. We honor the law's and the public's expectation that County policies will be applied consistently;
3. We support the public's right to know and promote meaningful public involvement;
4. We are impartial and do not favor those who are in a position to help us; and
5. We promote equality and treat all people equitably.

e. Compassion.

1. We recognize government's responsibilities to society's less fortunate;
2. We consider permissible exceptions to applicable policies when applying such policies would cause unintended consequences or undue burdens;
3. We realize that some people are intimidated by the public process and try to make their interactions as stress-free as possible;
4. We convey the agency's care for and commitment to its community members; and
5. We are attuned to, and care about, the needs of the public, officials, and staff.

f. Respect for Others.

1. We treat fellow officials, staff, and the public with courtesy, even when we disagree;
2. We focus on the merits in discussions, not personalities;
3. We gain value from diverse opinions and build consensus;
4. We follow through on commitments, keep others informed, and respond timely;

5. We are approachable and open-minded, and convey this to others;
6. We listen carefully and ask questions that add value to discussions;
7. We are engaged and responsive; and
8. We involve staff in all meetings that affect agency decisions.

(Ord. No. 75-6, § 1, 3-31-75; Ord. No. 90-27, § 11, 9-11-90; Ord. No. 2007-02, § 1, 1-23-07)

Sec. 11.01. - Conflict of County ordinances with Municipal ordinances.

Any County ordinance in conflict with a Municipal ordinance shall not be effective within the Municipality to the extent that a conflict exists regardless of whether such Municipal ordinance was adopted or enacted before or after the County ordinance. A County ordinance shall prevail over Municipal ordinances whenever the County acts with respect to the following:

A. Sets minimum standards protecting the environment through the prohibition or regulation of air or water pollution, or the destruction of resources in the County belonging to the general public.

B. Land use planning.

C. Regulates the conduct of elected officials, appointed officials, and public employees through an enacted Code of Ethics.

In the event a County ordinance and a Municipal ordinance shall cover the same subject matter without conflict, both the Municipal ordinance and the County ordinance shall be effective.

Sec. 11.08. - Broward County Ethics Commission.

A. There shall be a Broward County Ethics Commission whose sole purpose shall be to establish a Code of Ethics for the Broward County Commission. The Broward County Ethics Commission shall work in a collaborative and communicative nature with the County Commission in drafting the Code of Ethics.

The Broward County Ethics Commission shall present a Code of Ethics to the Broward County Commission for consideration no later than at the first County Commission meeting in March 2010 (the "Proposed Ethics Code"). If the Broward County Commission fails to adopt the Proposed Ethics Code as proposed by the Broward County Ethics Commission within one hundred eighty (180) days of its receipt of the proposal, the Proposed Ethics Code shall be presented to the electors of Broward County for consideration at the November 2010 general election. If approved by the electors of Broward County, the Proposed Ethics Code shall become part of the Broward County Code of Ordinances.

B. Membership. The Broward County Ethics Commission shall be comprised of eleven (11) voting members. Each County Commissioner shall appoint one (1) member from their respective districts, and two (2) countywide members shall be appointed by the Broward League of Cities.

C. Quorum. A quorum, necessary to conduct Broward County Ethics Commission business, shall consist of a majority of the Broward County Ethics Commission members.

D. Term and Vacancies. Broward County Ethics Commission members shall serve until a Code of Ethics is adopted by either the Broward County Commission or the electors of Broward County. If a member fails to attend any three (3) consecutive meetings of the Broward County Ethics Commission, that member shall be considered to have vacated his or her seat, and the vacancy shall be filled by appointment pursuant to Subsection B.

E. Meetings. The Broward County Ethics Commission shall hold its first meeting as soon as practicable after the appointment of its inaugural Board but no later than March 1, 2009. The Commission shall meet as needed and shall hold no less than eight (8) meetings.

F. Chair and Vice-Chair. At the first meeting of the Broward County Ethics Commission, the members shall appoint a Chair and Vice-Chair. The Chair and Vice-Chair shall serve for the duration of the Broward County Ethics Commission's existence.

G. Sunset. The Broward County Ethics Commission shall cease to exist upon adoption of the Proposed Ethics Code by the Broward County Commission or upon the consideration of the Proposed Ethics Code by the electors of Broward County, regardless of the outcome.

Sec. 11.10. - Constitutional officers subject to Code of Ethics.

The Broward County Sheriff, Property Appraiser, Supervisor of Elections, and Clerk of the Circuit Court are elected officials subject to the Broward County Code of Ethics.

ARTICLE XII. - BROWARD COUNTY OFFICE OF INSPECTOR GENERAL

Sec. 12.01. - Broward County Office of Inspector General.

A. Created and Established.

(1) The Broward County Office of Inspector General (the "Office") is created to investigate misconduct and gross mismanagement.

(2) For purposes of this Charter provision, misconduct is defined as any violation of the state or federal constitution, any state or federal statute or code, any county or municipal ordinance or code; or conduct involving fraud, corruption, or abuse.

(3) For purposes of this Charter provision, gross mismanagement is defined as the material waste or significant mismanagement of public resources.

(4) The Office shall be headed by an Inspector General. The organization and administration of the Office shall be independent to assure that no interference or influence external to the Office affects the objectivity of the Office.

(5) Consistent with its approved budget, the Inspector General shall have the power to employ personnel as deemed necessary for the efficient and effective administration of the Office.

B. Functions, Authority, and Powers.

(1) The authority of the Inspector General shall extend only over the following:

(a) All elected and appointed officials ("Officials") and employees ("Employees") of the Charter Government of Broward County ("County") and of all municipalities, including any city, town, or village duly incorporated under the laws of the state within Broward County ("Municipalities"); and

(b) All entities and persons (other than employees of the County or any Municipality) that provide goods or services to the County or any Municipality under contract for compensation ("Providers"), but solely with respect to the provision of such goods or services.

(2)

The Inspector General shall commence an investigation if good cause exists that any Official, Employee, or Provider has engaged in misconduct or gross mismanagement.

(3) The Inspector General may find good cause on his or her own initiative or based on a signed, verified complaint (as described below) stating allegations that, if true, would constitute misconduct or gross mismanagement.

(4) In addition to meeting the requirements of paragraph (3) above, a complaint may only serve as a basis for a good cause finding if it is signed by an identified person who verifies the contents of the complaint by including the following statement: "Under penalties of perjury, I declare that I have read the foregoing complaint and that based on my personal knowledge the facts stated in it are true." The Inspector General shall develop a complaint form consistent with the requirements of this paragraph.

(5) Any complaint received by the Office that is made against a candidate for elected office, and received within sixty (60) days of the date of the election, shall be held in abeyance until the election is determined, or, if the complaint is made within sixty (60) days of a primary election, until the general election is determined if the individual against whom the complaint was filed remains a candidate in the general election.

(6) In connection with an investigation, the Inspector General shall have the power to subpoena witnesses, administer oaths, and require (through subpoena or otherwise) the production of documents and records.

(7) As part of any investigation, the Inspector General may audit any program, contract, or the operations of any division, department, or office of the County and Municipalities. The Inspector General may also audit the operations or performance of any Provider relating to the Provider's contract for compensation with the County or any Municipality.

(8) The auditing referenced in paragraph (7) above shall be performed with the cooperation of the County Auditor. When conducting audits, the Inspector General shall have free and unrestricted access to Employees, Officials, records, and reports, and to the records and employees of Providers with respect to any Provider's contract for compensation with

the County or any Municipality. The Inspector General may require Officials, Employees, and Providers to provide oral and written reports and to produce documents, files, and other records.

(9) All Officials, Employees, and Providers shall fully cooperate with investigations conducted by the Inspector General.

(10) As part of an investigation, the Inspector General shall interview all persons implicated by a complaint, and all persons implicated during the Inspector General's investigation.

(11) As part of an investigation, the Inspector General (or his or her designee) may attend all duly-noticed local government meetings relating to the procurement of goods or services, and may pose questions and raise concerns consistent with the functions, authority, and powers of the Inspector General.

(12) To the full extent provided under applicable law, including under Subsection 112.3188(2), Florida Statutes, as amended, the Inspector General's records related to active investigations shall be confidential and exempt from disclosure.

(13) In any case in which the Inspector General determines that a person has filed a complaint with a malicious intent to injure an Official's, Employee's, or Provider's reputation with baseless, spurious, or false accusations, or with a reckless disregard for the truth of the allegations, the complainant shall be liable for all costs incurred by the Inspector General in the investigation of the complaint. Upon such a determination, the Inspector General shall issue a demand letter for reimbursement of such costs, which shall be sent to the complainant by certified mail and presumed received three (3) days after mailing. If the complainant objects in writing to the demand for reimbursement of costs within thirty (30) days of receipt of the demand, the matter shall be referred by the Inspector General to a Hearing Officer (as provided below) for adjudication, including a determination of whether the criteria for the imposition of such costs have been met. If there is no timely objection, the Inspector General's determination shall be deemed to be final, conclusive, and

binding. Once final, the determination for reimbursement of costs may be enforced by the Inspector General by filing an appropriate action in a court of competent jurisdiction.

(14) An Official or Employee who prevails in full in any administrative hearing in connection with a complaint filed with the Office of Inspector General shall be entitled to reimbursement of all reasonable attorney's fees and costs incurred in the defense against such complaint to the full extent the Official or Employee would be entitled to reimbursement in connection with a complaint filed under the Florida Code of Ethics for Public Officers and Employees.

C. Referral and Prosecution of Misconduct.

(1) After completing his or her investigation and determining that there is probable cause to believe misconduct has occurred, the Inspector General shall notify the appropriate civil, criminal, or administrative agencies charged with enforcement related to the alleged misconduct. If no civil, criminal, or administrative agency has jurisdiction over the alleged misconduct, the matter shall be referred to a Hearing Officer (as provided below) for quasi-judicial enforcement proceedings.

(a) The Inspector General shall refer findings of alleged criminal offenses to the Office of the State Attorney and/or the Office of the United States Attorney.

(b) The Inspector General shall refer findings of alleged civil offenses involving a violation of Chapter 112, Part III, Florida Statutes, to the Florida Commission on Ethics.

(c) The Inspector General shall refer findings of alleged violations of The Florida Election Code, Chapters 97 through 106, Florida Statutes, to the Florida Elections Commission (except as to alleged violations that may be criminal in nature, which shall be referred to the Office of the State Attorney).

(d) The Inspector General shall refer other alleged offenses to the appropriate civil, criminal, or administrative agency that would have jurisdiction over the matter.

(2)

Any civil infraction not covered by paragraphs (a) through (d) above shall be stated in a complaint brought in the name of the Inspector General. The Inspector General may retain legal counsel not employed by the County to represent the Inspector General in prosecuting a complaint. The Inspector General shall serve the complaint on the Official, Employee, or Provider accused of misconduct in any manner deemed proper service under the Florida Rules of Civil Procedure. Concurrently with such service, the Inspector General shall refer the complaint to a Hearing Officer randomly chosen from the panel of Hearing Officers selected by the Selection-Oversight Committee (as described below). The accused person or entity shall file a response to the complaint within thirty (30) days after service.

(3) Except to any extent inconsistent with any provision of this section, the Florida Rules of Civil Procedure and Florida Evidence Code, as amended, shall apply to all matters referred to a Hearing Officer under paragraph (2) above.

(4) In addition to all other authority granted in this Section, the Hearing Officer shall have the authority to:

(a) Issue scheduling orders, case-management orders, and briefing schedules;

(b) Issue notices of hearings;

(c) Hold hearings on any procedural or substantive matters related to the complaint;

(d) Administer oaths and affirmations;

(e) Issue subpoenas authorized by law, including those requiring the attendance of witnesses and the production of documents and other items which may be used as evidence;

(f) Rule upon motions presented and offers of proof and receive relevant evidence;

(g) Issue appropriate orders to effectuate discovery;

(h) Regulate the course of the hearing;

(i) Dispose of procedural requests or similar matters; and

(j) Enter any order, consistent with his or her authority, to carry out the

purposes of this Charter provision.

(5) Within thirty (30) days after completion of the hearing process, the Hearing Officer shall issue a final order determining whether the Inspector General has proved the allegations of the complaint by a preponderance of the evidence. The final order shall contain detailed findings of fact and conclusions of law. If the Hearing Officer determines that misconduct has occurred, the final order shall specify the sanction(s) imposed, if any. The Hearing Officer may impose any of the following sanctions:

(a) Fines.

1. An Official, Employee, or Provider determined to have committed misconduct shall be assessed a monetary fine of between two hundred and fifty dollars ($250.00) and five thousand dollars ($5,000.00) per violation.

2. In determining the amount of the fine, the Hearing Officer shall consider:

a) The gravity of the violation;

b) Whether it was intentional; and

c) Whether it is a repeat offense.

3. The Hearing Officer may determine that no fine shall be imposed upon making an affirmative, express finding that the violation was unintentional and de minimis.

4. In addition to a fine, the Hearing Officer may order the Official, Employee, or Provider to pay restitution or to disgorge any sums wrongfully received (directly or indirectly) by that person or entity (or any related person or entity).

(b) Public Reprimand/Censure. An Official or Employee who is found to have violated any provision of this Code may be subject to public reprimand or censure.

(6) All orders issued by the Hearing Officer, when final, are subject to judicial review as provided by applicable law.

D. Reports and Recommendations.

(1) The Inspector General shall issue reports, including recommendations, in the following circumstances:

(a) At the conclusion of an investigation involving allegations of gross mismanagement; and

(b) At the conclusion of an investigation involving allegations of misconduct, if the Inspector General determines that a report will assist the County or any Municipality in preventing similar future misconduct. However, no report shall be issued if the Inspector General, in conjunction with the State Attorney or United States Attorney, determines that the issuance of such report may jeopardize a pending criminal investigation.

(2) The Inspector General shall issue all reports as follows:

(a) Upon conclusion of an investigation described in paragraph (1) above, the Inspector General shall issue a preliminary report containing findings and recommendations to the County or Municipality and to the Officials, Employees, or Providers implicated in the report. The recipients of the preliminary report shall have thirty (30) days to respond to the preliminary report's findings and recommendations. The time to respond to a preliminary report may be extended by the Inspector General.

(b) Within thirty (30) days after the response deadline, the Inspector General shall issue a final report containing findings and recommendations to the County or Municipality and to the Officials, Employees, and Providers implicated in the report. All responses to the Inspector General's preliminary report shall be considered in preparing the final report, and shall be appended to the final report.

(3) The Inspector General may follow up on any recommendations he or she makes to determine whether such recommendations have been implemented.

(4) The Inspector General shall establish policies and procedures to monitor the costs of investigations undertaken.

E. Minimum Qualifications, Selection, and Term of Office.

(1) Minimum qualifications. The Inspector General shall be a person who:

(a) Has at least ten (10) years of experience in any one or a combination of the following fields:

(i) as a federal, state, or local law enforcement officer or official;

(ii) as a federal or state court judge;

(iii) as a federal, state, or local government attorney with expertise in investigating fraud, mismanagement, and corruption;

(iv) as an inspector general, certified public accountant, or internal auditor;

(v) as a person with progressive supervisory experience in an investigative public agency similar to an inspector general's office;

(vi) as a person who has managed and completed complex investigations involving allegations of fraud, theft, deception, or conspiracy; or

(vii) as a person who has demonstrated an ability to work with local, state, and federal law enforcement agencies and the judiciary.

(b) Has, at a minimum, a four-year degree from an accredited institution of higher learning.

(c) Has experience in the management of a private or public entity.

(d) Has not been employed by the County or any Municipality during the two (2) year period immediately prior to selection.

(e) Has not been found guilty of or entered a plea of nolo contendere to any felony, or any misdemeanor involving a breach of public trust.

(2) Selection.

(a) Responsibility for selecting the Inspector General shall be vested solely with the Inspector General Selection-Oversight Committee ("Selection-Oversight Committee").

(b) The Selection-Oversight Committee shall be comprised of the following five (5) individuals, none of whom shall be an elected official:

(i) One person appointed by the Broward League of Cities;

(ii) One person appointed by the State Attorney for the Seventeenth Judicial Circuit ex officio, or by his or her designee if the State Attorney is unable or unwilling to appoint;

(iii)

One person appointed by the Public Defender for the Seventeenth Judicial Circuit ex officio, or by his or her designee if the Public Defender is unable or unwilling to appoint;

(iv) The United States Attorney for the Southern District of Florida, or his or her designee if the United States Attorney is unwilling or unable to serve; and

(v) One person selected by affirmative vote of at least three (3) members of the Selection- Oversight Committee referenced above.

(c) The appointments to the Selection-Oversight Committee under (b)(i), (ii), and (iii) above, and the United States Attorney's agreement to serve or his or her designation under (b)(iv), shall be made within sixty (60) days of the effective date of this Charter provision.

(d) The selection under (b)(v) shall be made within fifteen (15) days thereafter.

(e) If, for any reason, a timely appointment, agreement to serve, or designation under (b)(i), (ii), (iii), or (iv) does not occur, the members of the Selection-Oversight Committee shall fill the vacant position by affirmative vote of at least three (3) members.

(f) Any appointee or designee may be removed and replaced at any time by the appointing or designating authority.

(g) Except as referenced in (e) above, any vacancy on the Selection-Oversight Committee shall be filled by the appointing or designating authority within thirty (30) days.

(h) The members of the Selection-Oversight Committee shall elect a chairperson who shall preside over the actions of the Committee. The Selection-Oversight Committee shall establish its own rules of procedure.

(i) The Human Resources Division of Broward County shall provide staffing to the Selection- Oversight Committee for the purpose of filling the position of Inspector General.

(j) Within thirty (30) days after the effective date of this Charter provision, the Human Resources Division of Broward County shall solicit qualified candidates for the position of Inspector General.

Within one hundred and twenty (120) days after the effective date of this Charter provision, the Selection-Oversight Committee shall select an Inspector General.

(k) In addition to its other responsibilities, the Selection-Oversight Committee shall select qualified Hearing Officers to preside over hearings in connection with those matters referred to Hearing Officers as provided above.

(l) In selecting the Inspector General and qualified Hearing Officers, the Selection-Oversight Committee shall take into consideration the rich diversity of the County's residents.

(3) Term. The Inspector General shall be appointed for a term of four (4) years, commencing from the time the Inspector General and the County enter into a contract. The Selection-Oversight Committee shall convene at least six (6) months prior to the end of the four-year contract term to determine whether to renew the contract of the Inspector General or to solicit new candidates.

(4) Contract. Once the Selection-Oversight Committee selects an Inspector General, the Committee shall notify the Broward County Administrator and County Attorney. The Director of the Broward County Human Resources Division, with the assistance of the Office of the County Attorney, shall promptly negotiate a contract of employment with the Inspector General substantially consistent with the terms included in contracts of other contractual employees of Broward County.

(5) Removal. The Inspector General may be removed based on specified charges of the following: neglect of duty, abuse of power or authority, discrimination, or ethical misconduct. Removal shall be considered at a duly-noticed public hearing of the Selection-Oversight Committee. The Inspector General shall be provided sufficient advance notice of the reasons for the possible removal, and shall be given an opportunity to be heard on the charges.

(6)

Vacancy. In the event of a vacancy in the position of Inspector General, the Chairperson of the Selection- Oversight Committee shall appoint an interim Inspector General until such time as a successor Inspector General is selected and assumes office. The Interim Inspector General shall meet all qualifications provided herein for the Inspector General.

F. Annual Report.

(1) The Inspector General shall annually publish a written report to the County and the Municipalities detailing the activities of the Office of Inspector General. The annual report of the Inspector General shall, promptly after it is completed, be posted on a website established by the Inspector General, and shall be presented to the Selection-Oversight Committee.

(2) The Selection-Oversight Committee shall convene within sixty (60) days of its receipt of the annual report to consider the report and the performance of the Inspector General. Other meetings of the Committee may be set upon the request of any member of the Committee or at the request of the Inspector General.

G. Financial Support and Budgeting.

(1) The Inspector General's budget is subject to approval of the County Commission.

(2) Within sixty (60) days of selection, the Inspector General shall submit a proposed budget to the County Commission covering the remainder of the County's fiscal year in which the Inspector General is selected. In each subsequent County fiscal year, the Inspector General shall submit a proposed budget to the County Commission in accordance with the County's regular budget process.

(3) Each proposed budget shall include a reasonable estimate of operating and capital expenditures of the Office of Inspector General, funds to enable Hearing Officers to be retained, and funds to enable the Inspector General to retain outside counsel to represent the Inspector General in connection with complaints referred to a Hearing Officer.

(4) The County Commission shall provide sufficient funds for the Inspector General to carry out his or her duties in an efficient manner.

(5)

In order to fund the Office of Inspector General, the County may impose a fee of one quarter of one percent (0.25%) on the total value of each County contract entered into after the effective date of this Charter amendment.

(6) In the event funds raised from such contract fees in any County fiscal year are insufficient to fund the Office of Inspector General, the County Commission may supplement such funding from the County's general revenue fund.

H. Conflict. Any County or Municipal ordinance or resolution that creates or has created an Office of Inspector General, or an officer, employees, or agents that function substantially the same as the Office of Inspector General as provided herein, shall be deemed inconsistent with and preempted by this Charter provision.

PART XX. - ETHICS AND CONFLICTS OF INTEREST

14.249. - Gifts Prohibited.

No employee or member of the employee's immediate family as defined elsewhere in these Rules and Regulations shall accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom the employee has official relationships on business of the Broward County government. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed generally, nor to prohibit employees from accepting social courtesies which promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions. It is particularly important that inspectors, contracting officers, and enforcement officers guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion.

(1995-0659, 7-11-95)

14.250. - Solicitation.

No employee shall solicit contributions from another employee for a gift to an employee in a superior official position nor shall an official in a superior position accept a gift presented as a contribution from employees receiving less salary than himself or herself. No employee shall make a donation as a gift to an employee in a higher official position. The foregoing does not, however, prohibit a voluntary gift of nominal value or a donation in a nominal amount when made on a special occasion such as marriage, illness, or retirement.

(1995-0659, 7-11-95)

14.251. - Conflicts of Interest.

No employee shall use his-her position for unauthorized personal gain. Any conflict between personal interests and official responsibility is to be resolved by consciously avoiding possible conflicts or disclosing the basis of a possible conflict to a supervisor. The foregoing restrictions are not intended to stand in the way of active participation in community organizations or the pursuit of personal affairs by employees. Rather, these policies are aimed at insuring the public's business is faithfully and ethically carried out.

(1995-0659, 7-11-95)

14.252. - Outside Employment Rules.

Outside employment is any paid employment performed by an employee in addition to his-her employment with the County. The following criteria shall apply to outside employment:

a. Such employment shall not interfere with the efficient performance of the employee's duties;

b. Such employment shall not involve a conflict of interest or conflict with the employee's duties;

c. Such employment shall not involve the performance of duties which the employee should perform as part of his-her employment with the County;

d. Such employment shall not occur during the employee's regular or assigned working hours unless the employee is on either annual leave or compensatory leave.

e. No employee granted permission to engage in outside employment shall work at said outside employment for a longer period of time than stated in his-her request for permission to engage in such employment or beyond that period approved by the County, whichever is less. The County reserves the right to revoke approval of outside employment if it later determines that such outside employment poses a conflict with or is incompatible with county employment.

f. Any employee accepting outside employment under the terms of these Rules and Regulations shall make arrangements with the outside employer to be relieved from his-her outside duties if and when called for emergency service by the County.

g. Requests for approval of outside employment must be reviewed and approved by an employee's department, division, or office director and the Director of Human Resources.

(1995-0659, 7-11-95)

14.253. - Additional Standards and Policies.

The County Administrator may prescribe additional ethics standards and policies for county employees, which standards and policies are more stringent than those imposed by Federal and State law, County Ordinance, and these Rules and Regulations.

(1995-0659, 7-11-95)

CALHOUN COUNTY
CHAMBER OF COMMERCE

CALHOUN COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

CALHOUN COUNTY CODE OF ETHICS:

The Code of Ethics for Calhoun County are the statutory provisions of Chapter 112, Florida Statutes.

CHARLOTTE COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

CHARLOTTE COUNTY CODE OF ETHICS:

The Code of Ethics for Charlotte County are the statutory provisions of Chapter 112, Florida Statutes.

CITRUS COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

CITRUS COUNTY CODE OF ETHICS:

The Code of Ethics for Citrus County are the statutory provisions of Chapter 112, Florida Statutes.

CLAY COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

CLAY COUNTY CODE OF ETHICS:

See the enclosed adopted resolution.

ARTICLE IX. - CODE OF ETHICS

Sec. 2-201. - Title.

This article shall be known as the "Clay County Code of Ethics".

(Ord. No. 2007-37, § 1, 6-26-07)

Sec. 2-202. - Definitions.

For purposes of this article, the definitions contained in Chapter 112, Part III, Florida Statutes, shall apply and control, in accordance with the subject matter, unless the text or context of this article provides otherwise. For purposes of this article, the word "shall" is always mandatory and not merely directory. As used in this article, the following terms, phrases, words, and their derivations shall have the meaning given herein, unless the context clearly indicates otherwise:

(a) *Advisory board* means a collegial body whose entire membership is appointed by the board, the school board or the superintendent, and is charged with the responsibility for advising or making recommendations to the board, the school board or the superintendent, or for issuing final determinations affecting the substantial interests of third parties, exclusive of any collegial body established by act of the Legislature.

(b) *Board* means the county's board of county commissioners.

(c) *Charter* means the home rule charter of the county.

(d) *Conflict* or *conflict of interest* means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

(e) *Constitutional officers* mean the county's sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the circuit court.

(f) *County* means Clay County, Florida.

(g) *County employee* means any person employed by any governmental entity or agency that is subject to this article, regardless of whether the employee is ultimately supervised by the board, its commission auditor, its county attorney, its county manager, the school board, the superintendent, or any of the constitutional officers.

(h)

County managerial employee means the board's commission auditor, county attorney and county manager, each of the attorneys under the supervision of the county attorney, and each of the department and division heads under the supervision of the county manager. The term shall also include each of the constitutional officers and any county employee who is actively engaged in selecting contractors or in supervising, overseeing, or vouchering for contract performance.

(i) *County property* means any real property or tangible or intangible personal property owned by the board, the school board, or the offices of any of the constitutional officers.

(j) *Gift* means a gift as defined in Chapter 112, Part III, Florida Statutes, and shall include the payment or waiver of initiation fees or other charges for becoming a member or affiliate with any private social club or organization unrelated to the official duties of a public servant, but shall exclude any of the following:

(1) Any salary, benefit, service, fee, commission, gift, or expense associated solely with the donee's non-county employment, business, or service as an employee, official or director of any organization, but only if:

a. Such non-county employment or economic activity does not create a conflict of interest; and,

b. All applicable county administrative procedures governing such non-county employment or economic activity are followed.

(2) Any contribution or expenditure reported pursuant to Chapter 106, Florida Statutes, campaign-related personal service provided without compensation by an individual volunteering his or her time, or any other contribution or expenditure by a political party.

(3) Any gift received from a relative, as defined in this article, or any gift received from a person who shares the same permanent legal residence at the time of the gift.

(4) Food, beverage or entertainment accepted when offered gratuitously in the course of a professional or civic meeting or group function at which attendance will assist the public servant in performing his or her official duties.

(5) Gifts given for participation in a program, seminar, or educational conference when such gifts are of nominal commercial value and are either in the nature of a memento traditional to the sponsoring entity or are provided to all participants in the program.

(6) An award, plaque, certificate, or similar personalized item of nominal commercial value given in recognition of the public servant's public, civic, charitable, or professional service.

(7) A rate or terms on a debt, loan, goods, or services, which rate and terms are customary and are at a government rate and terms available to all other similarly situated government employees or officials, or rates and terms which are available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, gender, or national origin.

(k) *Lobbying* means influencing or attempting to influence legislative or quasi-judicial action or non-action for compensation through oral or written communication or an attempt to obtain the good will of a member or employee of the board or of a county advisory board or a quasi-judicial board.

(l) *Lobbyist* means:

(1) Any natural person who, for compensation, seeks, or sought during the preceding twelve (12) months, to influence the governmental decision-making of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding twelve (12) months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.

(2) A person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

(3) Attorneys representing clients in quasi-judicial matters are not considered lobbyists or engaged in lobbying since, as judicial officers, their conduct is regulated exclusively by the judicial branch.

However, attorneys representing clients or interests in legislative matters, for compensation, are engaged in lobbying and are subject to the provisions contained in this article.

(m) *Nominal commercial value* means anything with a value of less than fifty dollars ($50.00) in the marketplace.

(n) *Principal* means the person, firm, corporation, or other entity that has employed or retained a lobbyist.

(o) *Public official* means any member of the board or a county advisory board, and any county managerial employee.

(p) *Public servant* means any board member, any school board member, the commission auditor, the county attorney, the county manager, the constitutional officers, and the superintendent. The term also refers to the deputies and employees of the foregoing officials.

(q) *Purchasing agent* means any county employee who actively participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities.

(r) *Relative* means one who is related to another by blood, marriage, or adoption. The following relationships are included in this definition: husband, wife, parent, child, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, step grandparent, step grandchild, half brother, and half sister.

(s) *Reporting individual* means any public servant who is required by law, pursuant to Article II, Section 8 of the State Constitution or Section 112.3145, Florida Statutes, to file full or limited disclosure of his or her financial interests.

(t) *School board* means the school board of the county's school district.

(u) *State* means the State of Florida.

(v) *State code* means the code of ethics set forth in Chapter 112, Part III, Florida Statutes.

(w) *Superintendent* means the superintendent of schools of the county's school district.

(Ord. No. 2007-37, § 1, 6-26-07)

Sec. 2-203. - Scope.

This article shall apply to all public servants and to the deputies and employees of all such public servants.

(Ord. No. 2007-37, § 1, 6-26-07)

Sec. 2-204. - Statement of policy.

It is the policy of the county that public servants work for the benefit of the citizens of the county. To this end, all public servants should meet a high standard of ethics. It is the responsibility of each public servant to act in a manner that promotes public trust and confidence in government. In particular, public servants should be honest with the public, be good stewards of the assets and fiscal resources entrusted to them, not use their positions for unlawful gain, and avoid creating the appearance of impropriety.

(Ord. No. 2007-37, § 1, 6-26-07)

Sec. 2-205. - Findings.

(a) The state code sets forth standards of conduct and disclosure requirements for all public officers and employees in the state, including constitutional officers and employees.

(b) Section 112.326, Florida Statutes, permits the board to impose more stringent standards of conduct and disclosure requirements, beyond those specified in the state code, provided that those standards of conduct and disclosure requirements do not otherwise conflict with the provisions thereof.

(c) Section 112.313(13), Florida Statutes, authorizes the board to adopt an ordinance establishing post-employment restrictions for certain designated county employees.

(d)

On November 7, 2006, the electors of the county approved an amendment to the Charter creating new Section 2.2:E thereof, which requires that the board enact by ordinance a code of ethics to supplement statutory and administrative standards of conduct currently in place.

(e) Pursuant to its authority under Section 112.326, Florida Statutes, the board finds that more stringent requirements are needed with regard to the value of gifts that may be provided by lobbyists to public officers and employees beyond the standards set forth in Section 112.3148, Florida Statutes. Specifically, the board finds that a zero gift limit, rather than the one hundred dollar ($100.00) gift limit set forth in Section 112.3148, Florida Statutes, should be enacted in order to better promote and preserve the integrity of the governmental decision-making process.

(f) Pursuant to its authority under Section 112.326, Florida Statutes, and the requirements of Section 2.2:E of the Charter, the board has determined to enact a code of ethics that supplements the state code with respect to the solicitation and acceptance of gifts from lobbyists and post-employment restrictions. The board further finds that such a code of ethics is needed in order to promote the public's confidence and trust in its local government.

(Ord. No. 2007-37, § 1, 6-26-07)

Sec. 2-206. - Gifts.

(a) No public servant shall accept any gift, directly or indirectly, if he or she knows or reasonably should have known that the gift was given with the intent to reward or influence him or her in the performance or nonperformance of his or her public duties.

(b) No public servant shall participate in the selection of a vendor or the approval of a contract if that employee has received a gift, directly or indirectly, from someone representing the vendor or a contracting party, including gifts from relatives. Furthermore, no public servant shall participate in permitting or inspection decisions if that employee has received a gift from the permit or inspection applicant/potential recipient or the applicant/potential recipient's principal, including gifts from relatives.

(c) The following provisions regarding gifts from lobbyists are enacted as more stringent standards of conduct and disclosure requirements than those specified in Section 112.3148, Florida Statutes:

(1)

No reporting individual, purchasing agent, or any person acting on the behalf of a reporting individual or purchasing agent may knowingly accept, directly or indirectly, any gift from a political committee or a committee of continuous existence, as defined in Section 106.011, Florida Statutes, or from a lobbyist who lobbies the reporting individual's or purchasing agent's agency. However, such a gift may be accepted on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(2) The following persons and entities are prohibited from giving gifts to a reporting individual, purchasing agent, or any person acting on behalf of a reporting individual or purchasing agent:

a. A political committee or committee of continuous existence, as defined in Section 106.011, Florida Statutes;

b. A lobbyist who lobbies the reporting individual's or purchasing agent's agency; and

c. A partner, firm, employer, or principal of a lobbyist or any person acting on behalf of a partner, firm, employer, or principal of a lobbyist.

(3) Notwithstanding the provisions of this paragraph, a person otherwise prohibited under this paragraph from giving or receiving a gift may give a gift to a reporting individual or procurement employee, who may receive the same, if the gift is intended to be transferred to a governmental entity or a charitable organization.

(d) This section does not prohibit public servants from participating in fund-raising activities for charitable purposes.

(Ord. No. 2007-37, § 1, 6-26-07)

Sec. 2.207. - Post-employment restrictions.

(a) No county managerial employee employed by the board shall personally represent another person or entity for compensation before the board or any of its divisions, departments, agencies, or committees for a period of two (2) years following vacation

of office, resignation of employment, or termination of employment, as applicable, except for the purposes of collective bargaining. No county managerial employee whose employer is or was one (1) of the constitutional officers shall personally represent another person or entity for compensation before such employer or any of such employer's divisions, departments, agencies, or committees for a period of two (2) years following vacation of office, resignation of employment, or termination of employment, as applicable, except for the purposes of collective bargaining.

(b) For a period of two (2) years following vacation of office, resignation of employment, or termination of employment, as applicable, except for the purposes of collective bargaining, no county employee employed by the board shall personally represent another person or entity for compensation before the board or any of its divisions, departments, agencies, or committees on a matter in which he or she had material personal involvement during such employment. For a period of two (2) years following vacation of office, resignation of employment, or termination of employment, as applicable, except for the purposes of collective bargaining, no county employee whose employer is or was one (1) of the constitutional officers shall personally represent another person or entity for compensation before such employer or any of such employer's divisions, departments, agencies, or committees on a matter in which he or she had material personal involvement during such employment.

(Ord. No. 2007-37, § 1, 6-26-07)

Sec. 2-208. - Complaints.

(a) Any complaint originating under this code regarding an elected official shall be forwarded without comment or action to the appropriate state agency for such action as deemed necessary by that agency. Any complaint originating under this code regarding any county employee or county managerial employee shall be referred to the agency that employs said employee for such action as deemed necessary by that agency.

(b) Pursuant to Section 119.071(2)(c)(1), Florida Statutes, any complaint under this code that is referred to a criminal justice agency may be exempt from public records disclosure until such time as the agency handling the complaint determines that the complaint no longer comprises active criminal investigation information. This section shall not be construed to expand the scope of any exemption to Florida's public records law.

(c) Nothing in this code shall diminish the rights of law enforcement officers set forth in Section 112.532, Florida Statutes.

(d) Any complaint originating under this code regarding a deputy sheriff appointed under Section 30.07, Florida Statutes, shall be referred to the county's sheriff for investigation pursuant to the procedures set forth in Section 112.532, Florida Statutes.

(e) Pursuant to Section 112.533(2)(a), Florida Statutes, any complaint filed under this code with a law enforcement agency against a law enforcement officer and all information obtained pursuant to the agency's investigation of such complaint shall be confidential and exempt from the provisions of Section 119.07(1), Florida Statutes. Such information shall remain confidential until the investigation ceases to be active or until the agency head, or the agency head's designee, provides written notice to the officer who is subject to the complaint that the agency has concluded the investigation. This section shall not be construed to expand the scope of any exemption to Florida's public records law.

(Ord. No. 2007-37, § 1, 6-26-07)

Sec. 2-209. - Severability.

Should any word, phrase, sentence, subsection or section of this article be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be deemed severed from this article, and all remaining provisions of this article shall remain in full force and effect.

(Ord. No. 2007-37, § 1, 6-26-07)

Sec. 2-210. - Preemption.

In the event any provision of this article conflicts with any provision of state law, any other ordinance or code of the county, or any rule of a government agency subject to the provisions of this article, the more restrictive provision shall apply.

(Ord. No. 2007-37, § 1, 6-26-07)

COLLIER COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

COLLIER COUNTY CODE OF ETHICS:

See the enclosed adopted ordinance.

ARTICLE X. - COLLIER COUNTY ETHICS[28]

Sec. 2-2051. - Title and citation.

This Article shall be known and cited as the "Collier County Ethics Ordinance".

(Ord. No. 03-53, § 1, 9-23-03; Ord. No. 04-05, § 1)

Sec. 2-2052. - Scope.

This Article shall apply to all public servants of the Collier County Board of County Commissioners, which includes public officials, whether elected or appointed, and all County employees.

(Ord. No. 03-53, § 2, 9-23-03; Ord. No. 04-05, § 2)

Sec. 2-2053. - Statement of policy.

It is the public policy of Collier County that public servants work for the benefit of the citizens of Collier County. It is the responsibility of each public servant to act in a manner that contributes to ensuring the public's trust in its government. In particular, to always be honest with the public they serve, and to be good stewards of the tax dollars entrusted to them. To this end, an individual covered by this article shall: (1) not use his or her position as a public servant for unlawful gain or enrichment; (2) avoid conduct that gives the appearance of impropriety in the performance of his or her public duties; and (3) not accept any items of value if the public servant knows or reasonably should have known that it was given with the intent to reward or influence him or her in the performance or nonperformance of his or her public duties. The statement of policy and general standards of conduct set forth in this section are not subject to the penalties provided for in this Article.

(Ord. No. 03-53, § 3, 9-23-03; Ord. No. 04-05, § 3)

Sec. 2-2054. - Findings.

(a) The report submitted to the Collier County Board of County Commissioners ("board") on September 15, 1998, by the Ad Hoc Ethics Standards Review Committee ("committee"), recommended the adoption of a local ethics code.

(b)

The board finds that the legislative intent and declaration of policies set forth in F.S. § 112.311, sets forth a laudable philosophy regarding the purpose, scope and application of ethics laws in relation to county officers and employees. Moreover, the board also finds, based on the committee's report, that additional, more stringent requirements are needed with regard to lobbyists, gifts, and post-county employment restrictions in order to promote and protect the public trust in its local government.

(c) F.S. § 112.326, authorizes the board to impose more stringent standards of conduct and disclosure requirements, beyond those specified in F.S. ch. 112, pt. III, upon its own officers and employees provided that said standards of conduct and disclosure requirements do not otherwise conflict with F.S. ch. 112, pt. III.

(d) F.S. § 125.69(1), provides, in pertinent part, that violations of county ordinances shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be punished by a fine not to exceed $500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment. The board further finds that an efficient and effective method for the determination of allegations of violations of the additional more stringent ethical standards set forth in this article is through local enforcement thereof.

(e) F.S. § 112.313(13), authorizes the board to adopt an ordinance establishing post-employment restrictions for certain designated county employees.

(f) The board finds that preservation of the integrity of the governmental decision-making process is essential to the continued functioning of an open government. Therefore, in order to preserve and maintain the integrity of the process and to better inform the citizens of efforts to influence legislative branch action, the board finds it appropriate to require public registration and disclosure of the identity of certain persons who attempt to influence actions of the board or actions of any of the county's quasi-judicial boards.

(g) F.S. § 112.3148(2)(b), authorizes the board to establish a local registration process for lobbyists. The board finds that such a registration process serves to promote and protect governmental integrity as well as to foster open government. The board further finds that such a public registration process for lobbyists may assist to promote full compliance by lobbyists with the lobbyist gift reporting requirements set forth in F.S. § 112.3148.

(h)

The board finds that more stringent requirements are needed with regard to the value of gifts that may be provided by lobbyists to public officers and employees beyond the standards set forth in F.S. § 112.3148. Specifically, the board finds that a zero gift limit, rather than $100.00 as set forth by F.S. § 112.3148, should be enacted in order to better promote and preserve the integrity of the governmental decision-making process.

(i) The board finds that additional gift prohibitions are necessary for public officials prohibiting the receipt of any gift or any other thing of monetary value from anyone who the public official knows or reasonably should know is any way attempting to affect the official actions, business or finances of the county or from anyone that has an interest that may be substantially affected by the performance or nonperformance of duties of a public official. The board further finds that prohibitions are necessary in regard to gifts between official superiors and subordinate public officials in order to preserve the ethical integrity of the performance of public service by county human resources.

(j) Collier County Office of the County Administrator, Administrative Procedure, Instruction 5311(F) (Code of Ethics/Standards of Conduct), restricts Collier County employees from receiving gifts or other items of value in connection with the performance of official duties. Said restrictions exist separate and independent from the provisions of this article and F.S. ch. 112, pt. III.

(k) Nothing in this article shall be construed to chill, restrict or prohibit the free exercise of any citizen's constitutional rights, including, but not limited to, the right to petition his or her county government or exercise his or her rights of free speech.

(Ord. No. 03-53, § 4, 9-23-03; Ord. No. 04-05, § 4)

Sec. 2-2055. - Definitions.

For the purposes of this Ordinance, the definitions contained in F.S. ch. 112, pt. III, shall apply and control, in accordance with the subject matter, unless the text and/or context of this Ordinance provides otherwise.

Advisory Board Member means any person appointed by the Board of County Commissioners to any County board, committee or authority which has any final decision-making authority. Such Boards include, but are not limited to:

Airport Authority

Collier County Code Enforcement Board

Collier County Planning Commission

Contractors Licensing Board

Library Advisory Board

Public Vehicle Advisory Committee

Utility Authority

County Employee shall mean any employee of Collier County, regardless of whether the employee is ultimately supervised by the Board of County Commissioners, the County Manager, the County Attorney, the Airport Authority or the Executive Director of the Airport Authority.

County Managerial Employee shall mean the County Manager, Assistant and/or Deputy County Manager, County Attorney, Chief Assistant County Attorney and all Division Administrators, and Department and Authority Directors of Collier County Government. Also included in this definition are procurement employees and those county employees actively engaged in selecting contractors or in supervising, overseeing, or vouchering for contract performance.

Gift shall have the definition contained in F.S. ch. 112, pt. III, with the following additions and exceptions:

(1) Additions:

a. Initiation fees.

(2) Exceptions:

"Gift" shall not include:

a. Salary, benefits, services, fees, commissions, gifts, or expenses associated solely with the donee's non-county employment, business, or service as an employee, official or director of a corporation or organization. However, for purposes of this exemption from the definition of "gift" in this Ordinance, public servants may only engage in such non-county employment or economic activity if: (1) such non-county employment or economic activity does not create a conflict of interest as defined by F.S. §

112.312(8), i.e., a situation in which regard for a private interest tends to lead to disregard of a public duty or interest; and (2) all applicable county administrative procedures governing such non- county employment or economic activity are followed.

b. Contributions or expenditures reported pursuant to F.S. ch. 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.

c. Gifts received from relatives, as defined in this section, or gifts received from a person who shares the same permanent legal residence at the time of the gift. However, no public servant shall participate in the selection of a vendor or the approval of a contract if that employee has received a gift from someone representing the vendor or a contracting party, including gifts from relatives. Furthermore, no public servant shall participate in permitting or inspection decisions if that employee has received a gift from the permit or inspection applicant/potential recipient or the applicant/potential recipient's principal, including gifts from relatives.

d. Food or beverage accepted when: (i) offered free in the course of a professional or civic meeting or group function at which attendance is desirable because it will assist the person in performing his or her official duties; or (ii) provided to all panelists or speakers when a person is participating as a panelist or speaker in a program, seminar, or educational conference.

In addition to all other circumstances where this Ordinance allows public servants to accept food and beverages, and notwithstanding any other section of this Ordinance or personnel manual to the contrary, public officials and all county employees may accept food or beverage as mentioned above in this subsection and consumed at a single sitting or event only if the costs for said food or beverage do not exceed the rate for the appropriate per diem allowance for said meal as provided in F.S. ch. 112. If, under circumstances beyond the control of the donee, the costs exceed the per diem rate, the donee

may accept said food or beverage but shall file a written disclosure statement within five working days of the acceptance with the County Manager on a form provided by the County Manager.

The value of food or beverages, for purposes of this subsection, shall be the price that the consuming public would be expected to pay for the same item(s).

e. Unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, and other items of nominal commercial value may be accepted from individuals or entities that are not currently in a contractual relationship or reasonably likely to seek a contractual relationship with Collier County. Unsolicited job-related literature may be accepted as well.

f. Gifts given for participation in a program, seminar, or educational conference when such gifts are:

1. Of nominal commercial value, and
2. In the nature of a remembrance traditional to the particular sponsoring entity, or
3. Provided to all participants in the program.

g. An award, plaque, certificate, or similar personalized item of nominal commercial value given in recognition of the donee's public, civic, charitable, or professional service.

h. A rate or terms on a debt, loan, goods, or services, which rate and terms are customary and are at a government rate and terms available to all other similarly situated government employees or officials, or rates and terms which are available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.

i. Food or beverage items when offered as a customary courtesy to all attendees at any business meeting or business activity at which attendance by the public servant(s) in question is required or appropriate for purposes of performing county job duties or county responsibilities, provided that such food or beverage items would have a reasonably estimated value of no more than $4.00 to any

member of the consuming public. By way of example, such food and beverage items may include a cup of coffee, a soda, bottled water, cookies or donuts.

j. A rate offered to Commissioners at an event serving a valid public purpose, which rate is less than that offered the general public, that represents the actual cost of the event (such as food, beverage and entertainment) to the sponsor, but that does not include the charitable donation otherwise included in the total cost to attend the event. Commissioners may contact the event sponsor to seek this rate.

Lobbying shall mean, for compensation: influencing or attempting to influence legislative or quasi-judicial action or non-action through oral or written communication or an attempt to obtain the good will of a member or employee of the Board or of a Collier County Advisory Board or a quasi-judicial board.

Lobbyist shall mean:

(1) Any natural person who, for compensation, seeks, or sought during the preceding twelve months, to influence the governmental decision-making of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding twelve months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.

(2) A person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

(3) A person who registers with the Board as a lobbyist pursuant to this Ordinance.

(4) Attorneys representing clients in quasi-judicial matters are not considered lobbyists or engaged in lobbying since, as judicial officers, their conduct is regulated exclusively by the judicial branch. However, attorneys

representing clients or interests in legislative matters, for compensation, are engaged in lobbying and are subject to the provisions contained in this Ordinance.

Nominal commercial value means anything with a value of less than $50.00 in the marketplace.

Principal shall mean the person, firm, corporation, or other entity that has employed or retained a lobbyist.

Procurement employee means any county employee who actively participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities.

Public official means members of the Board of County Commissioners, advisory board members, and county managerial employees.

Public servant includes all public officials and all county employees, as defined in this Ordinance.

Relative, as used in this Ordinance, is one who is related to another by blood, marriage, or adoption. The following relationships are included in this definition: husband, wife, parent, child, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, step-grandparent, step-grandchild, half-brother, and half-sister.

Reporting individual means any public servant, who is required by law, pursuant to Article II, Section 8 of the State Constitution or F.S. § 112.3145, to file full or limited public disclosure of his or her financial interests or any individual who has been elected to, but has yet to officially assume the responsibilities of, public office.

(Ord. No. 03-53, § 5, 9-23-03; Ord. No. 04-05, § 5; Ord. No. 2011-15, § 1; Ord. No. 2013-39, § 1; Ord. No 2017-03, § 1)

Sec. 2-2056. - Standards of conduct.

(a) A public servant shall not accept a gift, directly or indirectly, if he or she knows or reasonably should have known that it was given with the intent to reward or influence him or her in the performance or nonperformance of his or her public duties.

(b) No public servant shall participate in the selection of a vendor or the approval of a contract if that employee has received a gift, directly or indirectly, from someone representing the vendor or a contracting party, including gifts from relatives. Furthermore, no public servant shall participate in permitting or inspection decisions if that employee has received a gift from the permit or inspection applicant/potential recipient or the applicant/potential recipient's principal, including gifts from relatives.

(c) The following provisions regarding gifts from lobbyists are enacted as additional and more stringent standards of conduct and disclosure requirements than those specified in F.S. § 112.3148:

(1) A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a political committee or a committee of continuous existence, as defined in F.S. § 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist. However, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(2) A political committee or a committee of continuous existence, as defined in F.S. § 106.011; a lobbyist who lobbies a reporting individual's or procurement employee's agency; the partner, firm, employer or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift to the reporting individual or procurement employee or any other person on his or her behalf; however, such person may give a gift to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

(3) The prohibitions set forth in this Section 2-2056 at subsections (c)(1) and (c)(2) above, are not intended to and shall not prevent a reporting individual or procurement employee who is a declared candidate for elective public office from accepting campaign contributions to the extent allowed by state or federal law.

(d) The following gift prohibitions for public officials are enacted as additional and more stringent standards of conduct than those specified F.S. § 112.3148:

(1) Public officials shall not solicit or accept, directly or indirectly, any fee, compensation, gift, gratuity, favor, food, entertainment, loan, or any other thing of monetary value, from anyone who the public official knows or reasonably should know:

a. Has, or is seeking to obtain, contractual or other business or financial relations with the county department or board with which the public official is affiliated.

b. Conducts or represents a person or entity that conducts operations or activities that are regulated by the county department or board with which the public official is affiliated.

c. Is seeking zoning, permitting, or inspection approval from the county department or board with which the public official is affiliated.

d. Has interests that may be substantially affected by the performance or non-performance of duties of the county public official.

e. Is in any way attempting to affect the official actions of the county public official.

This subsection is not intended to prohibit a public official from obtaining a loan from a financial institution at a rate and terms available to all other similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.

(e) No public official shall solicit a contribution from another person for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from a subordinate public official.

(f) No public servant shall solicit a contribution from another person for a gift to a supervisor, make a donation as a gift to a supervisor, or accept a gift from an employee he or she supervises, except as provided in subsection (g).

(g) Nothing in this section shall prohibit donations or giving gifts of nominal commercial value made between or amongst public servants on a special occasion or an established holiday. A special occasion, as contemplated in this section, includes those times when it has been regarded as customary to give a gift, such as a birthday, a wedding, the birth of a child or a grandchild, an adoption, a graduation, a promotion, permanent departure from the workplace or community, hospitalization, the loss of a loved one, retirement, or other similar occurrences. Nor does this paragraph prohibit public servants from participating in fundraising activities for charitable purposes.

(h) This section does not apply to items of value excepted out of the definition for a gift.

(Ord. No. 03-53, § 6, 9-23-03; Ord. No. 04-05, § 6; Ord. No. 2013-39, § 2; Ord. No. 2017-03, § 2)

Sec. 2-2057. - Lobbyist registration and disclosure requirements.

(a) All lobbyists shall before engaging in any lobbying activities, register with the clerk to the board located at the board minutes and records department. Every lobbyist required to so register shall register quarterly on a calendar year basis on forms prepared by the clerk; pay an annual nonrefundable registration fee of $25.00; and state under oath or by written declaration in accordance with F.S. § 92.525, his or her name, business name and address, and the name and business address of each person or entity that has employed said registrant to lobby, as of the date of said registration. If, subsequent to the registration, the registrant ceases to act as a lobbyist, the registrant may file a request, on a form provided by the clerk, to not be listed as a lobbyist. In the event that the registrant neither withdraws nor re-registers, the registrant shall be placed on a "lobbyist status unknown" list for a period of 12 months from the expiration of the quarterly registration.

(b) Quarterly registration shall be required and shall initially commence on April 2, 2007. Thereafter, quarterly registration shall occur every three months. Quarterly registration is required regardless of whether there is any change in employers of the lobbyist. The lobbyist may indicate "no change" if appropriate. Initial registration by a lobbyist may occur at any time during the calendar year provided that it occurs prior to the lobbyist engaging in any lobbying activity.

(c)

The registration fee required by this section shall be maintained by the clerk to the board and shall be deposited into a separate fund to be expended for the purpose of administering and maintaining the lobbyist registration list as well as to cover other related costs. Lobbyists shall not be charged a fee for filing the form for removal from the lobbyist list.

(d) The following persons shall not be required to register as lobbyists:

(1) Any public officer, employee or appointee who appears in his or her official capacity.

(2) Law enforcement personnel conducting an investigation.

(3) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support or opposition to any item.

(4) Any person who only appears as a representative of a neighborhood association without special compensations or reimbursement for their appearance, whether direct, indirect or contingent, to express support or opposition to any item.

(5) Attorneys representing clients before a quasi-judicial body.

(e) The clerk to the board shall keep accurate and complete records regarding lobbyist registration including an up-to-date list of all lobbyist registrations, lobbyists withdrawals from the list and a "lobbyist status unknown" list.

(f) A registration form that is not renewed within 20 calendar days of the end of each quarter of the calendar year, shall expire and may not thereafter be relied upon by the lobbyist for lobbying activities. In such a case, the lobbyist must renew his or her registration and pay the nonrefundable annual fee in order to continue engaging in lobbying activities.

(g) The validity of any action or determination of the board or of any county personnel, board or committee, shall not be affected by failure of any lobbyist to comply with the provisions of this section.

(h) All lobbyists shall disclose and make known the name or identity of the principal(s) by whom they are employed whenever they engage in lobbying activities as such activities are defined in this section.

(Ord. No. 03-53, § 7, 9-23-03; Ord. No. 04-05, § 7; Ord. No. 2007-24, § 1)

Sec. 2-2058. - Post-employment restrictions.

(a) No county managerial employee shall personally represent another person or entity for compensation before the Board of County Commissioners or any of its divisions, departments, agencies, or boards for a period of two years following vacation of office, resignation of employment, or termination of employment, as applicable, except for the purposes of collective bargaining.

(b) For a period of two years following vacation of office, resignation of employment, or termination of employment, as applicable, except for the purposes of collective bargaining, no county employee shall personally represent another person or entity for compensation before the Board of County Commissioners or any of its divisions, departments, agencies, or boards on a matter in which he or she had material personal involvement during his or her period of county employment.

(Ord. No. 03-53, § 8, 9-23-03; Ord. No. 04-05, § 8)

Sec. 2-2059. - Supplemental provisions.

This Ordinance sets forth more stringent supplemental standards of conduct in addition to the requirements of F.S. ch. 112, pt. III, entitled "Code of Ethics for Public Officers and Employees". This Ordinance shall not be construed to authorize or permit any conduct or activity that is in violation of F.S. ch. 112, pt. III. In the event of a conflict between the provisions of this article and F.S. ch. 112, pt. III, the more restrictive/stringent provisions shall apply.

(Ord. No. 03-53, § 9, 9-23-03; Ord. No. 04-05, § 9; Ord. No. 2013-39, § 3; Ord. No. 2017-03, § 3)

Sec. 2-2060. - Penalties.

Pursuant to F.S. § 125.69, a person who violates any provision of this Ordinance shall be subject to prosecution in the name of the state in the manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed $500.00 or by imprisonment in the Collier County Jail not to exceed 60 days or by both such fine and imprisonment.

(Ord. No. 03-53, § 10, 9-23-03; Ord. No. 04-05, § 10)

COLUMBIA COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

COLUMBIA COUNTY CODE OF ETHICS:

See the enclosed adopted resolution.

RULES AND POLICIES
of the

BOARD OF COUNTY COMMISSIONERS
for
COLUMBIA COUNTY, FLORIDA

ADOPTED August 3, 2017

Adopted by Resolution 2017R-23

Requests for changes or revisions must be sent in writing
to the County Manager for further consideration.

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CHAPTER 1: ORGANIZATION OF THE BOARD

PART 1: STANDING RULES AND POLICIES

RULE 1.101 STANDING RULES
After adoption, the Standing Rules and Policies shall be used at each meeting of the Board of County Commissioners.

RULE 1.102 AMENDMENTS TO STANDING RULES
Any Commissioner may propose amendments to the Standing Rules and Policies. A proposed change to the Standing Rules and Policies shall be submitted in writing to the County Manager and will be reviewed by the County Attorney for legal approval before placement before the Board for consideration. Amendments to the Standing Rules and Policies can only be made by a majority plus one of the full Board.

RULE 1.103 SUSPENSION OF STANDING RULES
A motion to temporarily suspend the Standing Rules and Policies may be made by any Commissioner. A suspension is a non-debatable motion. The Standing Rules and Policies may be suspended by a majority plus one of the Commissioners present. Once suspended, the rules remain suspended only for the limited time indicated in the motion which shall not extend beyond the meeting in which the motion is made for suspension.

RULE 1.104 PURPOSE OF STANDING RULES
These Rules and Policies are for the efficient operation of the Board and all subordinate boards and committees of the Board. Non-compliance as to any particular Rule or Rules shall not independently be grounds for the invalidation of any Board action. Where the context so indicates, these Rules and Policies shall apply not only to the Board, but to all employees and officers of the County who are within the authority of the Board of County Commissioners.

PART 2 REORGANIZATION OF THE BOARD OF COUNTY COMMISSIONERS

RULE 1.201 REORGANIZATION MEETING
A special meeting will be called each December in accordance with section 2.7 of the County Charter to reorganize the Board of County Commissioners. The reorganization shall be called to order as a special meeting and shall take place prior to a regular meeting scheduled for the same day.

In an election year, newly elected Commissioners shall be sworn as required by the County Charter and shall participate fully in the reorganization of the Board.

RULE 1.202 PURPOSE OF THE REORGANIZATION MEETING
A. Honor outgoing Board members.
B. Election of Chair and Vice-Chair.
C. Orientation for new Board members.

RULE 1.203 RECOGNITION OF OUTGOING BOARD MEMBERS

The previous Board members will be presented by the Chair with a token of appreciation from the Board.

RULE 1.204 OATH OF OFFICE FOR NEWLY ELECTED COMMISSIONERS

The newly elected Commissioners will receive the oath of office as required by the County Charter. They shall take an oath to support the Constitution of the United States, the Constitution of the State of Florida, the Home Rule Charter for Columbia County, Florida, and to truly and faithfully discharge the duties of their office to the best of their knowledge and ability.

RULE 1.205 OFFICERS

The elected officers of the Board of County Commissioners shall be a Chair and a Vice-Chair and shall assume office immediately upon election, and shall serve for a period of one (1) year unless otherwise designated by vote of the Board. Following an election, these officers shall be elected after the new Board has been seated.

RULE 1.206 METHOD OF ELECTION OF OFFICERS

The Chair and Vice-Chair shall be elected one at a time beginning with the Chair. The vote will be a voice vote for each office and the nomination serves as a motion. The nomination must be seconded. The different names shall be repeated by the outgoing or acting Chair as they are moved and seconded. The vote shall be taken after the Chair declares that nominations are closed and shall be taken on each nominee in the order in which they were nominated until one is elected by a majority.

RULE 1.207 VICE-CHAIR

The Vice-Chair shall assist the Chair in the expeditious conduct of the Board's business during meetings and shall act in the Chair's stead in the event of the Chair's absence for any reason. The Vice-Chair may execute orders, resolutions, or ordinances of the Board when serving in the capacity of Acting Chair.

RULE 1.208 COMMISSION COMMITTEE OR BOARD APPOINTMENTS

After the election of the Vice-Chair, each Commissioner shall submit to the Chair their requests for appointments to committees or boards. The Chair shall appoint members to committees or boards from the pool of Commissioners requesting appointment. In the event no request is made for appointment to any committee or board, the Chair may appoint him- or herself to fill that position or may appoint any Commissioner to that committee or board.

RULE 1.209 COMMISSIONER LIAISONS

A. Commissioners may be appointed and removed by the Chair as Commissioner Liaisons to various boards, authorities, committees and councils that are not subordinate to, organized by, or created pursuant to an interlocal agreement with the Board of County Commissioners. In the event that a majority of the Board membership should desire that a different Commissioner serve as Commissioner Liaison to a particular board, authority, committee or council, the Board of County Commissioners may, upon the affirmative vote of three or more Board members, remove the current Commissioner Liaison and appoint a different Commissioner Liaison. The vote to remove and substitute the Commissioner Liaison shall be by a single motion.

B. Duties of each Commissioner Liaison include, but are not limited to:
   1. Reasonably attempt to attend each meeting of the board, authority, committee or council to which assigned as Liaison.
   2. Become knowledgeable with the procedures, authority and functions for the board, authority, committee or council to which assigned.
   3. Enhance and implement communication between the assigned board, authority, committee or council and the Board of County Commissioners.

C. A Commissioner Liaison is not delegated to act on behalf of or in the place of the Board of County Commissioners in relation to an assigned board, authority, committee or council without specific and particular instructions by the Board. Therefore, a Commissioner Liaison shall not act as a member of, or give direction to, the assigned board, authority, committee or council without specific instructions from the Board of County Commissioners. This rule shall not be interpreted to restrict the right of any Commissioner Liaison to exercise his or her right of free speech by informing any board, authority, committee or council of the personal opinions or views of that Commissioner. In communicating with a board, authority, committee or council, each Commissioner shall clearly state whether he or she is acting pursuant to a specific instruction from the Board of County Commissioners or is speaking in an individual capacity without authorization from the Board of County Commissioners to influence, bind or direct such board, authority, committee or council.

RULE 1.210 COMMISSIONER'S DUTY TO SUPPORT BOARD POSITION

Where a Commissioner is assigned to a board, authority, committee, or council, as a member, as required by statute, ordinance, interlocal agreement, or resolution (for example, the Tourism Development Council), the Commissioner shall participate on that body as required. As an appointed member to a board, authority, committee, or council, a Commissioner will, as a representative of the Board of County Commissioners, in good faith support the official positions of the Board of County Commissioners, if any, on a particular matter. Where the Board has not taken a specific position on a particular matter, the appointed Commissioner will consider the Board's related adopted goals and objectives as a guideline for decisions and shall act accordingly. If appointed to a board, authority, committee, or council that is an advisory body to the Board of County Commissioners, a Commissioner while sitting as a member of the Board of County Commissioners is not restricted to voting the same way as the Commissioner had voted on the advisory board.

RULE 1.211 REPLACEMENT OF CHAIR AND VICE-CHAIR

The Chair and Vice-Chair serve at the pleasure of the majority of the Board of County Commissioners and may be removed and replaced at the pleasure of a majority of the full membership of the Board.

RULE 1.212 PARLIAMENTARIAN

The County Attorney shall serve as Parliamentarian to the Board and shall rule on questions of parliamentary procedure when requested by any member of the Board. The Parliamentarian shall assist the Chair or Vice-Chair in conducting orderly meetings for the efficient completion of the

Board's business.

PART 3 CHAIR OF THE BOARD OF COUNTY COMMISSIONERS

RULE 1.301 DUTIES OF THE CHAIR

As the presiding officer of the Board, the Chair shall:

A. Take the Chair at every meeting precisely at the time for the meeting to begin, immediately call the Board to order, call the roll on the appearance of a quorum, and proceed to the business of the Board.

B. Sign all ordinances enacted and resolutions adopted by the Board.

C. Appoint all committees of the Board, and designate the Chair and Vice-Chair thereof, unless otherwise ordered by the Board.

D. Review the placement of items on the Regular Agenda, and order the removal of items from the Consent Agenda to the Regular Agenda.

E. Exercise the powers granted by these Rules and Policies to the Chair or to the presiding officer.

F. Present or designate another Commissioner to present all awards, resolutions and honors presented on behalf of the Board.

G. Approve travel expenditures for all Commissioners, except the Chair. The Vice-Chair or County Manager shall approve the travel expenses of the Chair.

H. Perform such other duties as the Board may direct.

RULE 1.302 GENERAL AUTHORITY OF CHAIR

In addition to his/her duties and powers as the presiding officer of the Board, the Chair shall be responsible for the proper execution of these Rules and Policies, the orders of the Board and the ordinances of the County pertaining to the Board.

The Chair, through the County Manager, shall have general control of the Board chamber and committee rooms assigned to the use of the Board.

RULE 1.303 DUTIES OF VICE-CHAIR

The Vice-Chair shall, in the temporary absence, disability, or conflict of the Chair, preside at all meetings of the Board and exercise such administrative powers vested in the Chair. The Chair shall exercise such administrative powers vested in the Chair as the Chair may delegate. At all times the Vice-Chair shall advise and assist the Chair in the business of the Board and shall perform such other Board duties as he or she may be assigned by the Chair. Should the Vice-Chair be absent or have a conflict, the Chair will appoint a temporary Vice-Chair.

RULE 1.304 VACANCIES

A. Chair: Whenever the Chair is unable to perform the duties of that office (i.e. death, resignation, removal from office, permanently disabled) the Vice-Chair shall become the Chair until a successor is elected by the Board.

B. Vice-Chair: Whenever the Vice-Chair is unable to perform the duties of that office (i.e. death, resignation, removal from office, permanently disabled) the Chair shall appoint a temporary Vice-Chair to serve until the entire Board can elect a replacement. When the Board elects a new Vice-Chair of the Board, he or she shall serve for the remainder of the unexpired Vice-Chair term and until a successor is elected.

C. Terms of Appointments: For the purpose of allowing the Chair elected or elevated permanently to that office during a regular term to carry out his or her duties and responsibilities under these Rules and Policies, the term of all of the previous Chair's appointments to the committees or boards of the Board shall be deemed to have ended upon the election or elevation of the new Chair.

PART 4 COMMISSIONER AS MEMBER OF THE BOARD

RULE 1.401 COMMISSIONER TO VOTE

Florida Statutes, Sections 112.311 through 112.326 sets forth a code of ethics for public officers and employees. Florida Statutes, Section 112.3143(3) (a) addresses voting conflicts pertaining to County Commissioners. Florida Statute 286.012 provides that a County Commissioner may not abstain from voting unless there is, or appears to be, a possible conflict of interest under Florida Statutes Chapter 112.311, 112.313 or 112.3143 and then, in such instances, the Commissioner must comply with the disclosure requirements of Chapter 112.3143 which requires that prior to the vote being taken the Commissioner shall publicly state to the assembly the nature of his or her interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his/her interest as a public record in a memorandum filed with the clerk for the Board, who shall incorporate the memorandum in the minutes.

RULE 1.402 COMMISSIONER SUBJECT TO STANDARDS OF CONDUCT

Each Commissioner is subject to the standards of conduct set out in Part III, Chapter 112, Florida Statutes. By personal example and by admonition to colleagues whose behavior may threaten the honor of the Board, each Commissioner shall watchfully guard the responsibility of office. Commissioners should comply with Federal and State standards of conduct and the standards set forth in Chapter 5 of these rules and policies. Each Commissioner will attend and receive annual ethics training as required by Section 112.3142, Florida Statutes.

RULE 1.403 USE OF OFFICES AND COMMISSIONER COMMUNICATION

Each Commissioner shall have access to the Board of County Commissioners' administrative offices, shall be provided with an official box for incoming hardcopy correspondence, and shall be provided with an email address and account for conducting county business. The County Manager is responsible for staffing and establishing procedures for the management of the administrative offices and each Commissioner shall observe and follow the County Manager's procedures when making use of the administrative offices. No visitor, guest, or other invitee shall be left

unsupervised in the administrative offices or any other area of any county building not designated for public use or access.

RULE 1.404 CORRESPONDENCE AND OTHER COMMUNICATION

All formal correspondence by a Commissioner in an official capacity shall be prepared on official Board letterhead. Official correspondence will not be prepared on unofficial letterhead or on plain paper, and official Commission letterhead shall not be used for the personal correspondence of any Commissioner. All authorized communications by a Commissioner in an official capacity shall be paid for by the Board as funds allow. Nothing in this rule prevents the use of email for informal correspondence. All correspondence shall be made and retained in compliance with public records laws. With Board approval, a Commissioner may use the official County seal on individual letterhead for official business. Such letterhead shall be printed at the expense of the individual Commissioner. Individual members of the Board of County Commissioners may request assistance from the County Manager to disseminate information relating to the Board's Goals and Objectives, the operation of County business, or the implementation of County policies. Distributed information must be informational in nature, factual, and not contrary or detrimental to the Board's official position on a matter. Communications made on behalf of the Board shall be non-political, shall refrain from uncivil references to the personalities or opinions of any individual, and must represent the best interests of the County as a whole. All information disseminated on behalf of the Board, or an individual Commissioner, will be distributed subsequent to review and approval of the County Manager or his or her designee to ensure compliance with these Rules and consistency with the publicly stated and approved positions of the Board.

RULE 1.405 TRAVEL EXPENSES

A. Board members shall be allowed reimbursement for travel expenses related to official County Commission business only and shall be subject to the same travel policies and regulations that are utilized by all County employees pursuant to the Administrative Code.
B. Use of County vehicles by Board members is not authorized. Nothing in this rule prevents a Commissioner from travelling as a passenger in a County vehicle on official business, as reasonably determined by the County Manager.
C. In-county travel expenses incurred by Board members will not be reimbursed by the County.
D. Members of the Board of County Commissioners are authorized to use a rental car for out-of-county travel in accordance with the County's travel policies.
E. No payments will be made by the County for rental vehicles for trips of less than one hundred shortest distance travel (100) miles (one way) from point of departure to point of destination.
F. Unless otherwise indicated in the Rules and Policies, the County's Travel Procedures will be followed.
G. Travel expenses pertaining to the County Manager shall be submitted to the Chair for approval.

PART 5 COUNTY MANAGER

RULE 1.501 COUNTY MANAGER'S ROLE

A. The County Manager is the Administrative Head of the Board of County Commissioners and is responsible for the administration of all departments of County Government which the Board has authority to control pursuant to the County Charter, County ordinance, the General Laws of Florida and other applicable legislation. Other than budgetary controls, neither the County Manager nor the Board of County Commissioners have authority to direct the office of the County Attorney.

B. The County Manager shall perform such other duties as may be required by the Board.

C. The County Manager shall be appointed by a majority of the membership of the Board of County Commissioners. The County Manager may be terminated only in the manner set forth by the County Charter, the County Manager's contract, and Florida Law.

RULE 1.502 DIRECTIVES AND POLICIES OF THE BOARD

The County Manager is to administer and carry out the directives and policies of the Board of County Commissioners and enforce all orders, resolutions, ordinances and regulations of the Board to assure that they are faithfully executed.

RULE 1.503 REPORTING TO THE BOARD

The County Manager is to report to the Board on action taken pursuant to any Board directive or policy within the time set by the Board and provide an annual report to the Board on the state of the County, the work of the previous year and any recommendations as to action or programs the County Manager deems necessary for the improvement of the County and the welfare of its residents.

RULE 1.504 INFORMATION TO BOARD OR COMMISSIONERS

The County Manager is to provide the Board, upon request, with data or information concerning County government and provide advice and recommendations on County government operations to the Board.

RULE 1.505 BOARD MEETINGS

The County Manager is to attend all meetings of the Board with authority to participate in the discussion of any matter and to make recommendations to the Board.

RULE 1.506 AGENDA

The County Manager is to prepare an agenda for all Board meetings and workshops in accordance with Board instructions.

RULE 1.507 COUNTY OFFICERS

The County Manager is to cooperate with other County Officers in the performance of their duties.

RULE 1.508 CITIZENS COMPLAINT SYSTEM

The County Manager is to maintain a citizen complaint system to help prevent and address possible deficiencies within Board departments, offices, and activities.

RULE 1.509 BUDGETARY RESPONSIBILITIES TO BOARD

The County Manager has the following budgetary responsibilities:

A. Prepare and submit to the Board for its consideration and adoption an annual operating

budget, a capital budget, and a capital program.

B. Establish the schedules and procedures to be followed by all County departments, offices and agencies in connection with the Board budget and supervise and administer all phases of the Board budgetary process.

C. Prepare and submit to the Board after the end of each fiscal year a complete report on the finances and administrative activities of the County for the preceding year and submit recommendations.

RULE 1.510 BOARD OWNED PROPERTY

The County Manager is to supervise the care and custody of all property that is under the control or ownership of the Board.

RULE 1.511 NEGOTIATE FOR BOARD

The County Manager is to negotiate leases, contracts and other agreements, including consultant services, for the Board, subject to approval of the Board, and make recommendations concerning the nature and location of Board funded improvements.

The County Manager is to see that all terms and conditions in all Board leases, contracts and agreements are performed and notify the Board of any noted violation thereof.

RULE 1.512 BOARD PROJECTS

The County Manager is to propose a project priority list, revised semi-annually, for confirmation or revision by the Board, and prepare and submit quarterly status reports on each project.

RULE 1.513 BOARD PERSONNEL

The County Manager has the following responsibilities regarding Board personnel:

A. Recommend to the Board a current position classification and pay plan for all positions under the Board.

B. Select, employ and supervise all non-legal personnel and fill all non-legal vacancies and positions of employment under the jurisdiction of the Board. As used in this Policy, the term "non-legal" shall refer to County personnel or functions that are not part of the Office of the County Attorney.

C. Suspend, discharge or remove any non-legal employee under the jurisdiction of the Board pursuant to procedures adopted by the Board.

D. Order, and promptly advise the Board thereof, any department or agency under the County Manager's jurisdiction to undertake any task for any other department or agency on a temporary basis when the County Manager deems it necessary for the proper and efficient administration of the County government to do so.

RULE 1.514 ADMINISTRATIVE POLICY

The County Manager is to organize the work of the departments and offices (other than the legal department) that are under the jurisdiction of the Board, subject to an administrative policy developed by the County Manager and adopted by the Board, and review the departments, administration and operation thereof and make recommendations pertaining thereto for reorganization by the Board.

PART 6 COMMISSIONERS' RELATIONSHIP TO EMPLOYEES

RULE 1.601 THROUGH COUNTY MANAGER

Board instruction or directives to non-legal employees of County government under the jurisdiction and control of the Board of County Commissioners shall be issued only through the County Manager. A County Commissioner shall not give orders or instructions, publicly or privately, to any County official or employee who is subject to the direction and supervision of the County Manager. However, interaction, communication and observance will be permitted so long as no direction is given. Violation of this part shall constitute a violation of the Board's ethics policies set forth herein and may be investigated accordingly. If a majority of the Board of County Commissioners finds that a County Commissioner has violated this section, the Board may declare the violation an act of misfeasance.

RULE 1.602 STAFF OBLIGATION TO REPORT TO SUPERVISOR

In the event any County employee receives or believes he or she has received direction from any Commissioner other than a policy directive of the Board, the employee shall immediately report that interaction to his or her supervisor. If, in the judgment of the supervisor, a direct instruction was given, the supervisor shall report the interaction to the County Attorney. The supervisor may, if otherwise consistent with the employee's job duties, direct the employee to fulfill the Commissioner's directive without committing a violation of this part.

RULE 1.603 NO PERSONAL ERRANDS

No Commissioner shall ask staff to conduct any personal or business errands for them.

RULE 1.604 POLITICAL ACTIVITY

While on duty, while inside any County facility, while dressed in attire identifying him or her as a County employee, or while operating or riding in any County vehicle, neither the County Manager nor any member of the County staff shall engage in any political activity involving candidates for Columbia County elective office other than casting his or her ballot. This section shall not be construed to limit the political expression of County employees outside of the reasonable limited conditions set forth herein.

CHAPTER 2: COMMITTEES

PART 1 SPECIAL COMMITTEES OF THE BOARD

RULE 2.101 SPECIAL COMMITTEES DEFINED

A Special Committee is an *ad hoc* committee appointed or created by the Board of County Commissioners to give particular and exclusive attention to a single subject matter because of its technical nature or because its importance to the County requires concentrated study. Unless otherwise directed by the Chair or the Board, a Special Committee shall have a specified period of time within which to study the matter and make its recommendations to the Board. Board of County Commissioner members may be appointed to a Special Committee, but participation must be limited to less than a majority of the Board.

RULE 2.102 MEETINGS

Special Committees shall meet at such times and places as may be necessary to conduct their

business. If a majority of the Special Committee determines that meetings of the Special Committee should be regular meetings, then the Chair of the committee shall set a schedule of meetings which shall be noticed to the public as provided herein. Otherwise, notice of meetings of Special Committees shall be provided from time to time as required by law. Notices of Special Committee meetings and agendas with backup materials, if any, shall be available on the County website according to the County Charter.

RULE 2.103 ATTENDANCE AND VOTING

A. Attendance. It shall be the responsibility of each Commissioner to attend the regular or special meetings of each Special Committee to which he or she is appointed. Commissioners may attend meetings of any committee of which he or she is not a member and offer comments and observations, but may not participate in the committee debate on the matter nor vote on any question and must observe Sunshine Laws at all times.

B. Voting or Consensus. No member of a Special Committee shall be allowed under any circumstances to vote by proxy. Each present member of a committee shall vote as provided in Rule 1.401. The Chair may ask for consensus on any issue. Hearing no opposition from the Vice-Chair, it shall be reported to the Board as a consensus of the committee.

RULE 2.104 CONSIDERATION OF REFERRED MATTERS

All Special Committees shall report on every subject referred to them, and shall dispatch as expeditiously as reasonably possible and proper the public business assigned to them. It shall be the duty of the committee Chair to ensure that the committee's business is promptly and properly considered.

RULE 2.105 POWERS OF SPECIAL COMMITTEES

A Special Committee shall have and may exercise the following powers in carrying out the duties assigned to it by these Board Rules and Policies or by the Board or by the Chair of the Board:

A. By its Chair or Vice-Chair in his or her absence, to request attendance from staff or the County Attorney through the Board of County Commissioners, when needed at meetings.

B. A Special Committee, by unanimous consent, may request through the Board of County Commissioners that the County Attorney draft a resolution. The resolution must relate to items which are under the purview of that Committee. Resolutions will stay in committee until the committee approves the final committee draft. Upon approval of final committee draft it shall be sent to the Board Chair to be placed on the agenda.

   The resolution shall be referred to as a "Draft Resolution of _____ Committee" until adopted by the Board of County Commissioners.

C. A committee may not direct the County Attorney to draft ordinances. The committee Chair may request the Board of County Commissioners to support a committee request for the County Attorney's office to prepare or review an ordinance. The County Attorney will prepare or review an ordinance as approved by a majority vote of the Board of County Commissioners (refer to Rules 3.102 and 3.103).

RULE 2.106 RULES IN SPECIAL COMMITTEES

Unless otherwise provided for, all Special Committees shall follow the following procedural rules:

A. A quorum of a committee shall be a majority of its regular members.

B. After the committee has fully considered an issue, it may be referred to the full Board with one of the following:
   1. Recommendation for approval (must come from the full committee membership).
   2. Recommendation for denial (must come from the full committee membership).
   3. A split decision.
   4. No recommendation (not considered).

C. Voting or consensus in all committees shall be by voice vote, but upon the request of any member of the committee, the vote shall be taken by roll call.

D. Any committee intending to conduct a public hearing at a special meeting, as defined in Rule 3.206, shall give each member of the committee not less than three (3) days written notice of such hearing, which notice shall include a statement of the subject matter of the public hearing, and it may include the phrase "and all other matters that may come before the committee."

E. The rules of the Board shall govern proceedings in committee, except as otherwise provided by Rule.

RULE 2.107 SPECIAL COMMITTEE MINUTES

A. The proceedings of every Special Committee shall be electronically recorded, and unless excused by the committee Chair, the Clerk of Court's designee shall be in attendance to take notes, care for the committee and legislative files being used by the committee, assist in the preparation of committee reports and perform other duties as instructed by the Chair. Written minutes of the proceedings are required and shall be prepared in the standard format used by the Clerk for the Board. Memorandum minutes only will be prepared by the Clerk's designee.

B. Copies of committee minutes may be obtained through the Clerk of Court's Office.

PART 2 BOARD-APPOINTED BOARDS, COMMITTEES, COMMISSIONS, AND AUTHORITIES

RULE 2.201 MEMBERSHIP

A. Appointment. Members of boards, committees, commissions and authorities shall be appointed by the Board of County Commissioners except where otherwise expressly provided for. A member will be considered to have full voting rights and privileges when all required paperwork including, where applicable, the member's Financial Disclosure is completed and filed with the appropriate office.

B. Qualifications. Applicants must be residents of Columbia County, Florida, unless otherwise approved by the Board of County Commissioners, and meet any other requirements set forth by the Board for a particular appointment.

C. Compensation. No member of any appointed board or committee shall receive compensation for services as such, except as otherwise provided herein, or be entitled to pension or other retirement benefits on account of such service. Appointees shall not utilize their position to solicit or conduct private business at any time during the meeting or recess, while on County property or while conducting County business. However, certain boards may find it necessary to travel. If so, they may receive their actual or necessary expenses

incurred in the performance of their duties of office, including travel reimbursement or stipend in accordance with Section 125.9404, Florida Statutes, as approved by the Board of County Commissioners and as budgeted each fiscal year.

D. Term Expiration. Letters notifying members of impending term expiration will be at a minimum mailed two times a year - in January and July - for expiration dates occurring in the first and last six months of the year, respectively.

E. Correspondence. All official correspondence to appointees shall be signed by the initiating County Commissioner or staff, and all Commission members shall be copied on the same.

RULE 2.202 ATTENDANCE, ALTERNATES AND VACANCIES

A. Attendance.

1. If any appointed member of a board or committee fails to attend three (3) consecutive regularly scheduled meetings or five (5) of twelve (12) regular or special meetings or workshops, the board or committee shall declare the member's office vacant and the vacancy shall be filled as provided herein, unless otherwise provided by law. Staff shall maintain a record of absences and enforce the attendance policy.
2. For those boards or committees that meet twice a month on a regular basis, the attendance threshold shall be six (6) consecutive regularly scheduled meetings or ten (10) of twenty-four (24) regular or special meetings or workshops. Staff shall maintain a record of absences and enforce the attendance policy.
3. The above attendance requirement notwithstanding, the Board of County Commissioners may take action to allow an appointee to continue to serve in office upon a showing of good cause and exceptional circumstances. If a member is interested in invoking this policy, the member should address a letter to the County Commission Chair, copied to the Board's County Commission Liaison (if applicable) and staff support, stating such intentions. The matter will then be brought to the full County Commission for action. The Board may appoint an interim member as circumstances dictate.
4. It is the responsibility of the appointee to notify appropriate staff support no later than seven (7) days in advance of a planned absence, or as soon as possible in the event of an unexpected absence.

RULE 2.203 LIMITATIONS OF TERMS OF SERVICE

A. Unless otherwise provided for in the creating legislation of a particular board or committee or otherwise specified by law, appointments shall be for a term of two (2) years.

B. A member seeking reappointment to a board or committee must submit a letter of interest and be considered as any other applicant. A record of attendance will be considered as part of the applicant process for reappointment.

C. Any member appointed to a board or committee for two (2) consecutive terms shall not be eligible for the next succeeding term, unless otherwise stated in legislation regarding a particular board or committee.

D. In the event that a member is appointed to complete an unexpired term two (2) years or less in length, that member is eligible to serve an additional two (2) full terms.

E. All members serve at the pleasure of the Board of County Commissioners and may be removed at any time without cause, or as provided by law.

F. The State's prohibition on dual office holding is expressly recognized. Additionally, no one

may serve on more than one board or committee at the same time, unless at the specific direction of the Board of County Commissioners. Upon appointment of a current member to a second committee for dual service, the County Commission shall have a specific, stated reason for this action clearly stated in all pertinent motions. An applicant seeking dual status must be in good standing, as attested to by the County Commission liaison of the affected board or committee.

G. Any member of a board or committee may apply for service on another board or committee if he or she first resigns from the current board or committee on which he or she serves, unless applying for dual status. If a member is granted dual status and appointed to a second board or committee, then resigns the position on the original board or committee, it will count as an automatic resignation and removal from both boards or committees.

H. Periodically, situations require that membership on boards or committees be staggered to maintain a continuous presence of a majority of experienced members at any one time. Term limits, with regard to staggering, shall be addressed in the following manner:

1. A member appointed to an initial, staggered term less than two (2) years in length will be eligible for an additional two (2) full two (2) year consecutive terms at the conclusion of the initial, staggered term.
2. A member appointed to an initial, staggered term two (2) years or more in length is eligible for only one (1) additional two (2) year term after the initial staggered term is complete.

RULE 2.204 APPLICATION TO SERVE

A. Application. Anyone wishing to serve on a board or committee must submit a completed application, which may be obtained from County Administration. No one will be considered for appointment without a completed application on file.

B. Vacancy Notification. Vacancies will be posted and advertised as necessary.

C. Disclosure. Certain appointees may be required to complete disclosure forms as required by State law. County Administration will maintain a list of those boards or committee to which this requirement pertains and appointees shall timely complete disclosures or be subject to removal.

D. Inactive Applications. Applications on file for six (6) months without activity will be deemed inactive. Prior to being purged, applicants will be notified to determine whether the application will remain active for a second six (6) months. At no time will an application remain active longer than one (1) year.

E. Reappointment. See Rule 2.203 B.

RULE 2.205 PROCEDURES, OFFICERS, RULES

A. Meeting Schedule. Unless otherwise provided for, each board or committee shall hold regular meetings, and may meet more frequently if needed as provided in its rules. In no event shall any board or committee meet less than once per year.

B. Quorum. A majority of the membership of a board or committee shall constitute a quorum for the purpose of meetings and transacting business.

C. Officers. Each board or committee shall elect a Chair and a Vice-Chair, each of whom shall serve for one (1) year and until a successor is chosen, unless otherwise provided for, with respect to a particular board or committee.

D. Minutes. Written minutes will be taken and maintained. Copies of minutes will be made

available as provided by law.

E. Rules. Each board or committee may adopt, amend, and repeal rules for its further organization, not inconsistent with these Rules. Initial rules and rule changes shall be approved by the Board of County Commissioners on the Consent Agenda. Each board or committee shall allow public comment consistent with Rule 4.704 herein.

F. New Committees. All new boards or committees, ad hoc or regular, shall, as a group, receive training regarding the Sunshine Law, public record laws, ethics laws, and County Commission policies relating to standards of conduct. Training will be provided by the County Attorney's office at the new board or committee's organizational meeting and anytime thereafter as necessary.

G. Staff and Administrative Support. A County employee shall be appointed by the County Manager to serve as Staff Support for each board or committee appointed by the Board of County Commissioners. The Staff Support will be assigned to monitor activities, serve as liaison and promote communication. Each such board or committee and Staff Support shall be assigned to a County Department for administrative support and oversight. Each such board or committee which requires staff support of the County shall address such request to the board or committee Staff Support appointed for that particular board or committee. If such Support is not available to timely address a particular need of a board or committee, the request may be addressed to the County Manager. This provision shall not be interpreted as restricting any board or committee member from making an individual public records request to any County agency, although such individual shall have individual responsibility for the cost of such request. Board or committee use of County equipment and services (i.e., postage, copies, research, minutes, business cards) is allowed as needed and approved by County Administration.

H. Legal Assistance. Legal advice to any board or committee will be provided by the County Attorney's office as reasonably requested, and approved by the Board of County Commissioners.

I. Specific Findings. All orders or recommendations of a board or committee shall give specific findings and reasoning for any decision or recommendation.

J. Presence During an Appeal. If a decision is appealed before the Board of County Commissioners, a member of the board or committee designated by the board or committee chair will be present at such hearing. The board or committee chair may appoint him- or herself to be present at hearing.

RULE 2.206 REQUIREMENTS OF BOARDS OR COMMITTEES

A. Annual Reports. Each board or committee must submit an Annual Report to the County Manager by April 1st of each year indicating its activities and accomplishments for the previous calendar year. The report should include projections for the current calendar year and any other relevant information, such as budgetary requests.

B. Boards Subject to Certain Laws. Each board and committee is subject to applicable Florida law, including but not limited to the provisions of Chapters 112, 119 and 286, Florida Statutes (regarding Public Officers & Employees, Public Records and Government in the Sunshine, respectively). Each prospective member of a board or committee shall be provided with a copy or summary of Chapters 112, 119 and 286, Florida Statutes. The rules of each board or committee shall have County staff as custodian of the records of the board or committee, who shall be responsible for the records' safekeeping on County property

and administration, according to Chapter 119, Florida Statutes. County employees may not serve as voting members on any County Board or Committee. For the purpose of this paragraph, County Commissioners shall not be considered County employees.

C. Employee Harassment Policy. Columbia County expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, disability, Veteran status or status in any group protected by state or local law. Improper interference with the ability of Columbia County employees to perform their expected job duties is not tolerated. board or committee members shall comply with this policy in their interactions with County employees.

D. Rules of Decorum and Civility. Each board or committee and members thereof shall comply with Part 4 Rules of Decorum and Civility. Board or committee members are encouraged to make constructive comments and policy recommendations to the Board of County Commissioners but shall avoid disrespectful commentary of any kind.

RULE 2.207 PRECEDENCE

Where Florida law or County ordinance or regulation sets forth criteria (for example: terms of office) for any particular board or committee, that regulation shall prevail when in conflict with these Rules and Policies.

CHAPTER 3 LEGISLATION

PART 1 GENERAL RULES

RULE 3.101 PRINCIPLE FUNCTION

As provided by the County Charter, the Board of County Commissioners represents the legislative body of Columbia County's government, and all proposed legislation governing the County must flow through or emanate from the Board. These rules shall govern the process whereby Commissioners, County Staff, the County Attorney, or the citizens of Columbia County shall place all legislation before their elected Commissioners to ensure a fair and level process for the impartial and open consideration of legislation to serve the best interests of Columbia County.

RULE 3.102 MANNER OF LEGISLATION

The Board shall take official action only by means of ordinances, resolutions, or motions. For the purposes of these Rules:

A. "Ordinance" means an official legislative action of the Board, which action is a regulation of a general and permanent nature and enforceable as a local law.

B. "Resolution" means an expression of the Board concerning matters of County business, an expression of temporary, advisory or exhortative character or a provision for the disposition of a particular item of the business of the Board.

C. "Motion" means a proposal that certain action shall be taken or shall not be taken or a certain view be expressed.

RULE 3.103 PREPARATION OF LEGISLATION

Legislation consisting of ordinances will typically be prepared by the County Attorney upon an affirmative consensus by a majority of the Board. Any ordinance not prepared by the County Attorney's Office shall be reviewed by the County Attorney and shall meet with the County

Attorney's approval as to form before such ordinance may be scheduled for public hearing. The Board shall not cast a vote on any ordinance that has not been approved as to form by the County Attorney.

RULE 3.104 INTRODUCTION OF LEGISLATION

There shall be a reasonable limitation on subject and matter embraced in ordinances, amendments, or enacting clauses. Every ordinance shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended section, subsection or paragraph of a subsection, such that the amendment may be reasonably understood in context. Ordinances bearing the approval of the County Attorney as to their form shall be presented to the Board as follows:

A. Upon request for an adoption hearing, which hearing shall not occur during the same meeting in which it is requested.
B. At the adoption hearing.

RULE 3.105 WITHDRAWAL OF LEGISLATION

Any legislation may be withdrawn by the introducer at any time before amendment or before putting the question to a vote, with the consent of a majority of the Board present. Once legislation has been amended by the Board it may not be withdrawn and shall be put to a vote to adopt or reject the proposed legislation.

RULE 3.106 POLICY CHANGES TO REQUIRE WORKSHOP

Items related to policy changes shall not be introduced for placement on an agenda prior to completion of a full staff review and Commission workshop. Any Commissioner seeking to change any policy of the Board shall request that a workshop on the policy be set and completed. Any other party wishing to suggest changes to Board policy shall submit their request in writing to the County Manager who may, in his discretion, request the Board set a workshop to discuss changes to that policy.

PART 2 PUBLICATION, PUBLIC HEARING

RULE 3.201 MATTERS TO BE PUBLISHED

A. Matters required to be published by County Staff: Ordinances of the Board shall be published as required by general law. Matters relating to land use or zoning shall be published as required by the applicable statutes to the proceedings coming before the Board. The titles of all proposed Ordinances shall be published other than emergency ordinances.
B. Matters required to be published by Applicants: Unless otherwise provided as part of an application process, where a matter requires publication of a notice by an applicant before the Board for matters such as road closings, the applicant shall incur the costs associated with publication directly and shall produce proof of publication before placement on any agenda.
C. Matters which may be published: Any other matter may be published at the direction of the Chair, the Board or any committee with respect to its business.

RULE 3.202 TIMES FOR PUBLICATION

Publication shall be made as soon as possible after a hearing date is established. Where applicable, notices required to be published by law shall be published within the statutory periods prescribed for their publication. Discretionary matters shall be published as directed.

RULE 3.203 MANNER OF PUBLICATION

Official advertisements and notices shall be submitted to County Administration to be published for the prescribed periods of time in a newspaper which meets the requirements of Sections 50.011 and 50.031, F.S., for publication of legal and official advertisements. Unless otherwise prescribed by law or directed by the Chair, Board or committee, official advertisements or notices shall be published once only and, wherever possible, matters to be published concerning the same ordinance or resolution shall be published in a single advertisement or notice. Publication shall be posted in addition to publication in a newspaper. All matters published shall also be published to the County website at or before the time of publication in a newspaper.

RULE 3.204 PROOF OF PUBLICATION

Proof of publication shall be obtained and shall be filed in the Clerk of Court's files with the minutes of the meeting at which the Public Hearing occurs.

RULE 3.205 PUBLIC HEARINGS: BOARD OF COUNTY COMMISSIONERS

A. Public Hearing Defined. A public hearing is a specified portion of a meeting of the Board in which the privilege of the floor is granted to the general public and members thereof may address the Board on the subject for which the public hearing is called. A public hearing is designed to elicit comments and observations from the general public and to afford the members of the general public an opportunity to speak directly to the full Board.

B. When Held. Although the Board has need of the comments and observations of the members of the general public, the business of the Board requires that public hearings by the full Board be held to the minimum number. Consequently, except for public hearings required by law, a public hearing by the full Board will be scheduled only by order of the Chair or by the affirmative vote of a majority of a quorum of the Commissioners.

C. Conduct of Public Hearings. When the Board of County Commissioners holds a public hearing on proposed legislation, the Chair shall announce that the time for the public hearing has arrived and declare the same open to the general public. Rules for each speaker will follow rules for public comment as specified in Rule 4.704. At any time during the public hearing, the Commissioners may question any speaker concerning the speaker's remarks, and they may recall any speaker for clarification of his or her previous remarks or for additional remarks. When all members of the general public who wish to speak have done so and the Board has finished their questions of the speakers, the Chair shall declare the public hearing to be closed. No further remarks shall be heard from the general public. Once the public hearing is closed, a motion may be made and voted upon in accordance with all procedures contained herein

D. The Commissioners may question a speaker only to elicit information, comments or opinions and shall not debate the merits of the legislation, either with a speaker or among themselves, during the part of the hearing open for public input.

E. Public Hearings without Legislation. The Board may schedule a public hearing on any matter when there is no legislation concerning such matter pending before the Board, in

order to determine the need for possible legislation and to gather information to be used in drafting such legislation.

F. Recess. Public hearings may be recessed by order of the Chair or by a majority of the Commissioners present to a time certain.

G. Continuances of Agenda Items. The Board shall consider requested continuances be set for a time certain at subsequent regularly scheduled meetings of the Board.

H. Conduct of hearings or appeals to the Board of County Commissioners. Appellate hearings before the Board of County Commissioners shall be announced by the Chair. The appropriate County staff member shall introduce the matter to the Board, explaining all prior proceedings related to the matter on appeal and name the appellant. The appellant shall then explain the basis for the appeal and the relief he or she is requesting. Next, those persons supporting the appellant's position may speak. Then, the staff person for the agency whose decision is being appealed shall explain the decision, apprising the Board of relevant findings of fact and reasoning underlying the decision. Then, all those supporting the decision being appealed may speak. The appellant shall then be given an opportunity to reply to the statements and arguments of those supporting the decision. The above procedures notwithstanding, the Board may elect to utilize a more detailed hearing format as recommended by the County Attorney, including but not limited to permitting cross examination of opposing speakers.

I. The Parliamentarian may impose reasonable limits on the number of people permitted to speak or the length of time each person may speak, and may require each speaker from the general public to complete a written request to speak. At any time during the hearing, the Commissioners may question any speaker concerning the speaker's remarks, and they may recall any speaker for clarification of his or her previous remarks or for additional remarks. When all those who have been scheduled to speak have done so and the Commissioners have finished their questions of the speakers, the Chair shall declare the hearing on the appeal closed and no further remarks shall be heard. Once the hearing is closed, a motion may be made and voted upon as to whether the relief requested by the appealing party shall be granted or denied.

J. The Commissioners may question a speaker only to elicit information, comments or opinions and may not debate the merits of the appeal, either with a speaker or among themselves, during the portion of the appellate hearing open for public input.

RULE 3.206 PUBLIC HEARINGS: COMMITTEES

A. Public Hearing Defined. A public hearing is a meeting of a committee during which the privilege of the floor is granted to the general public and members thereof may address the committee on the subject for which the public hearing is called. A public hearing is specifically designed to elicit comments and observations from the general public and to afford the members of the general public an opportunity to speak directly to the committee concerning a particular matter of great public interest or importance. All meetings of a committee are public meetings, at which the public may, at the pleasure of the committee, address the committee; but a public hearing is an extraordinary procedure used only to gain information not otherwise obtained or to hear both sides of a controversy or to argue the merits of a matter.

B. When Held. A committee shall hold a public hearing when ordered by the Chair, the Board or a majority of the committee members. A committee shall hold a public hearing only on

a matter referred to it. Public committee hearings may be held in any public building within the County.

C. Recess. Public hearings may be recessed by order of the committee Chair to a time certain.

PART 3 MISCELLANEOUS COMMUNICATIONS

RULE 3.301 DISPOSITION OF MISCELLANEOUS COMMUNICATIONS

Miscellaneous communications to the Board may, at the discretion of the Chair, be referred to the appropriate committee or staff for appropriate action.

RULE 3.302 READING OF MISCELLANEOUS COMMUNICATIONS

Miscellaneous communications shall not be read to the Board, unless a majority of the Board requires such reading.

RULE 3.303 MESSAGES DURING MEETINGS

During public meetings, Commissioners shall neither send nor receive or review any written or electronic messages pertaining to the meeting in session unless presented as part of the meeting for public review. Any Commissioner receiving such communication shall immediately report it to the Chair for introduction into the record of the meeting.

CHAPTER 4: GENERAL PROCEDURES

PART 1 MEETINGS

RULE 4.101 MEETINGS: GENERALLY

All regularly scheduled Board meetings shall be duly noticed and held at a location readily accessible to and open to the public. In case of special meetings, emergency meetings, or workshops, the Board may determine another suitable meeting location within the County.

RULE 4.102 REGULAR MEETINGS

The Board shall hold regular meetings the first and third Thursdays of each month commencing at 5:30 pm. When a regular meeting day shall fall on a legal holiday observed by the County, the regular meeting of the Board may be rescheduled or canceled by the Board. Rescheduled meetings shall be advertised accordingly.

RULE 4.103 WORKSHOP MEETINGS

The Board may designate workshop meetings at any time during the month, including regular meetings days. However, when so designated, that meeting date, or portion thereof, shall be publicly noticed as a Workshop Meeting.

A. From time to time, in order to build consensus among its members, it may be advantageous in the opinion of the Board to discuss in detail an issue or issues under its consideration without taking action. In such situations, the Board shall conduct such discussions in a Workshop Meeting.

B. In that the purpose of such a meeting is open discussion, fact finding and consensus building, no formal action may be taken by the Board at Workshop Meetings. All other

rules of the Board relating to the procedures to be followed during Workshop Meetings shall be in accordance with Chapter 4 of these Board Rules and Policies.

C. With the purpose of a Workshop Meeting of the Board described above, the Board may wish to hear reports by staff and the comments and observation of the general public. The conduct of public comment at a Workshop Meeting shall follow that prescribed by these Rules, unless modified by the Chair.

D. The Chair or the Board by majority vote may call a Workshop Meeting of the Board. Advance notice of a Workshop Meeting shall not be less than those required for a Special Meeting of the Board, as provided in Rule 4.104.

RULE 4.104 SPECIAL MEETINGS

The Chair or a majority of the Commissioners may call a Special Meeting of the Board upon not less than seventy-two (72) hours notice to each Commissioner. Notice of the call of such Special Meeting shall be in writing via the Commissioner's box at County Administration and via County email. The time stamp on an email shall be presumed to be the effective time of giving notice. The notice shall state the business to be transacted at such meeting, including "all other business that may come before the Board." The notice shall be published to the County's website and disseminated via email to all local media who have requested to receive such notices. The Chair may, upon not less than twenty-four (24) hours notice and via email to every Commissioner and every party receiving email notification hereunder, cancel any special meetings of the Board which he or she had previously called pursuant to this Rule.

RULE 4.105 EMERGENCY MEETINGS

The Chair, Vice-Chair or County Manager may call an emergency meeting of the Board at any time to consider and take action upon a public emergency. When the emergency meeting is called to order, no action shall be taken by the Board unless and until the Board declares by motion or resolution on the record of the emergency meeting that an emergency in fact exists and the action taken at the meeting shall directly pertain to that emergency. Prior notice of the emergency meeting shall be given by the most appropriate and effective method(s) available under the circumstances. Continuity of government issues shall prevail. Every effort shall be made at all levels of government to ensure public safety and welfare in times of emergency.

RULE 4.106 RECESSED OR ADJOURNED MEETINGS

The Board, at any meeting, may recess or adjourn to a time certain on the same or another day, or fix the date and time of a meeting, for transacting any business or specified business only, as may be determined by the Board in taking such action.

RULE 4.107 QUORUM

A quorum of the Board for the transaction of business shall consist of a majority of the Commissioners, but a lesser number may come to order to adjourn any meeting until a quorum is present. It shall always be in order to suggest the lack of a quorum, whereupon the proceedings shall cease, the determination of a quorum may be made and the proceedings continue, if a quorum is present, or be suspended or adjourned, if a quorum is lacking.

PART 2 PRESIDING OFFICER

RULE 4.201 DUTIES OF PRESIDING OFFICER

The Chair shall serve as the Presiding Officer unless unable to serve. The duties of the presiding officer shall include the following:

A. State every question before the Board.
B. Record the vote on all matters concerning which the recording of the ayes and nays is required or requested.
C. Announce the results of every vote.
D. Announce the order of business and insure the orderly disposition of the items on the agenda.
E. Maintain order and enforce the rules of decorum and discipline.
F. Sign each written measure passed by the Board during the meeting at which he or she is presiding officer.
G. Execute the orders of the Board made during the time he or she is presiding officer.
H. Seek a ruling of the Parliamentarian if in doubt about the enforcement or application of these Rules.

RULE 4.202 RULINGS BY THE CHAIR, APPEALS

The County Attorney shall serve as the County Official who shall advise the Chair on parliamentary issues and shall rule on all questions of order and priority of debate. Any Commissioner may appeal the decision of the Chair, either by the Chair or through the Parliamentarian, in which event a majority vote of the Board present shall conclusively determine the ruling appealed. No other business, except a motion to adjourn or to lay on the table, shall be in order until the question on appeal has been decided.

PART 3 AGENDAS

RULE 4.301 SETTING THE AGENDA

The County Manager shall provide a tentative agenda to the Chair of the Board of Commissioners, who shall then set the agenda for the Board. Any Commissioner or Department Director desiring placement of an item on the agenda will make such request of the County Manager. All requests for agenda items will be turned in by 9:00 am eight (8) days prior to the meeting at which the item is to be presented, complete with all appropriate back-up material sufficient to warrant discussion. If the back-up material provided by this date is determined by the County Manager to be insufficient for proper consideration of the item, then the item may be removed from the agenda by the County Manager. The agenda shall be considered closed after the deadline provided herein, except for emergency items as may be called by the Chair. After the agenda has closed but prior to the Board meeting, the Chair shall review the agenda, make any additions or revisions deemed appropriate in the Chair's discretion, and with the assistance of the County Manager prioritize the order of business on the agenda (excepting for advertised public hearings which shall be set in the order of their submission). There shall be included on the agenda all items to be considered by the Board and the public hearings to be held by the Board. When the agenda has been set, County Administration shall cause the same to be compiled and published to the County website and printed and distributed to those Commissioners or staff requiring physical copies.

RULE 4.302 CONSENT AGENDA

A. Contents, Approvals, Changes. There shall be included on the Consent Agenda routine

business items including, but not limited to, ministerial matters such as approval of minutes, budget amendments with a net budgetary impact of less than $20,000.00, purchases less than $20,000.00, conveyance or acquisition of real property less than $20,000.00, subdivision plats, and final development plans. Consent Agenda items shall be submitted with backup materials sufficient for their consideration as if they were placed on the Board's regular agenda. The Chair shall approve inclusion of the Consent Agenda as a part of the Regular Agenda for each Board meeting, and may order that items be removed therefrom, placed on the Regular Agenda, referred to a committee or delayed to another Board meeting. After the Consent Agenda is published, no items may be added to it.

B. Consideration. At the appropriate time after a meeting is convened, the Chair shall announce the taking up of the Consent Agenda. Any item on the Consent Agenda may be removed therefrom on the request of any one Commissioner or the Chair for the purpose of further debate, in which case the item so removed shall be debated and considered as part of the Regular Agenda or delayed to a future meeting. After items have been removed for further debate, the Chair shall call for one vote on the entire Consent Agenda, which vote shall be applicable to each item on the Consent Agenda (except those items removed).

RULE 4.303 ADOPTION OF REGULAR AGENDA

While in session, and after the addition of any item removed from the Consent Agenda, the Chair will ask for other changes to the agenda. Changes to the Regular Agenda may be proposed by any Commissioner, the County Manager or the County Attorney. Each change to the Regular Agenda must be approved by a majority vote. In no event shall any matter be added to the Regular Agenda unless it can be demonstrated that the matter could not have been timely submitted prior to the deadline provided in Rule 4.301 due to circumstances beyond the control of the movant seeking addition to the Regular Agenda (for example, a deadline imposed by an outside agency that was announced after the agenda was closed). After all approved changes on the agenda are voted upon, a motion shall be made and seconded to adopt the agenda to include the approved changes. Once adopted the agenda shall control the remainder of the meeting unless changed by a majority consensus.

PART 4 RULES OF DECORUM AND CIVILITY

RULE 4.401 BOARD TO PROMOTE AND PRESERVE DECORUM AND CIVILITY

The Board expressly recognizes that promoting and preserving decorum and civility best enables the Board to fairly and expeditiously conduct the business of the County. While the Board is in session, the Presiding Officer shall preserve order and decorum. A Commissioner shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of the Board, nor disturb any Commissioner while speaking or refuse to obey the orders of the Board or its Chair. Decorum is expected of all who attend or participate in meetings of the Board. There shall be displayed at the entry of each meeting the Board's Rules of Decorum as attached hereto as Exhibit "A".

RULE 4.402 MANNER OF SPEAKING

No Commissioner shall speak on any question or discuss any matter, nor interrupt another, nor make a motion without first being recognized by the Chair. When two or more Commissioners seek recognition by the Chair, the Chair shall name the Commissioner who is to speak first. No Commissioner shall be interrupted by another without the consent of the Commissioner who has

the floor, except by rising to a question of order. A Commissioner, in speaking on any matter, shall confine him- or herself to the question or matter before the Board; shall not use unbecoming, abusive, or unparliamentary language; and shall avoid commenting on personalities or character of other Board members, former Board members, other officials, staff, or the public.

RULE 4.403 POSITIVE EXPECTATIONS OF BOARD DISCOURSE

Discourse by and before the Board shall:

A. Focus on what is best for the County, and represent the entire County as well as a Commissioner's individual district.

B. Maintain respect for the Board and its members and visibly demonstrate respect for, and fairly represent, all members of the Board.

C. Demonstrate that each is free to disagree, but disagreeable personalities are disfavored.

D. Avoid attempts to surprise or ambush Commissioners, staff, or members of the general public.

RULE 4.404 DISRUPTIONS

Any person disrupting a Board meeting by interrupting any speaker; making personal, impertinent, or slanderous remarks; by addressing or shouting to the Board from the audience; or by other boisterous behavior while the Board is in session, may be removed from the meeting by order of the Presiding Officer through the assistance of the Sheriff's office or other security personnel. Such removal may be requested by the Chair in his/her discretion, or by consensus of the Board after a question of order is raised, or by the Sheriff's office on its own initiative if there is perceived to be an immediate threat to the safety of any person inside the meeting chamber. No demonstrations of approval or disapproval from the audience shall be permitted. If, after warning by the Chair, such demonstrations are made and result in a disruption of the meeting the person(s) creating such disruption may be removed from the meeting. The Chair may without motion recess any meeting until order is restored. The Chair shall call upon the Sheriff's officers or other security officer who may be present during the meeting to enforce directions given by the Chair for any violation of this Rule.

RULE 4.405 PROMPTNESS OF ATTENDANCE; ABSENCE FROM MEETINGS

Board members are expected to observe timely appearance at Board of County Commission regular, workshop, and special meetings or other official Board functions. Any member who is unable to timely attend any such meeting or function will notify either the Board Chair or the County Manager, prior to the meeting, if possible so that notice may be conveyed to all Board members. Any member present at any meeting of the Board will immediately give notice to the Chair if leaving the meeting for any extended period of time.

RULE 4.406 AUDITORIUM OFFICAL USE ONLY AREA

To ensure the timely business of the Board proceeds with limited distractions and to respect public speakers, a portion of the meeting chambers shall be designated as "Official Use Only". This Official Use Only area encompasses the dais area, including the sections designated for staff and the public speaker podiums. While any meeting is called to order, those permitted in the Official Use Only area shall be limited to the Board of County Commissioners, County staff, and members of the public expressly recognized by the Chair and invited to come forward and speak, such as public speakers and proclamation recipients. Unless expressly recognized by the Chair, members

of the public and media shall remain in the gallery area of the auditorium until the meeting is recessed or adjourned.

PART 5 VOTING

RULE 4.501 MAJORITY ACTION

Unless otherwise required by State Statute, ordinance, or indicated by these Rules, all action by the Board shall be by majority vote of those Commissioners present. Failure to receive a majority vote of the Commissioners present shall operate as a denial of the proposed question that is before the Commission.

RULE 4.502 VOTING REQUIRED UNLESS EXCUSED

Every Commissioner who is present when a question is called, unless he or she is excused as provided under these Rules or by law, shall give his or her vote in the affirmative or negative.

RULE 4.503 MANNER OF VOTING

Voice votes shall be used unless otherwise required by law. The vote on the motion to declare a measure to be an emergency shall be a rollcall. In the case of any vote, if the Chair is in doubt as to the outcome, or upon the request of a Commissioner for any reason, the Chair shall call for a rollcall vote. The rollcall vote shall be called by the Clerk in a rotating sequence.

RULE 4.504 CHANGE OF VOTE PROHIBITED

After announcement of the results of a vote, no vote may be changed or taken on the question, unless a motion for reconsideration is approved.

RULE 4.505 PROXY VOTING PROHIBITED

A Commissioner shall not cast a vote for another Commissioner, nor shall any person not a Commissioner cast a vote for a Commissioner. Commissioners must be physically present in the meeting chambers to cast their own vote.

PART 6 MOTIONS

RULE 4.601 MOTIONS: HOW MADE, WITHDRAWAL

A. Every motion shall be made orally, unless the Chair requests that it be reduced to writing. No motion shall be debated or put to a vote without a second, except for those motions stated in Rule 4.602. When a motion is made and, when required, seconded, it shall be restated by the Presiding Officer and the Commissioner who made the motion shall have the floor. After a motion has been stated or read, it shall be deemed to be in the possession of the Board and shall be disposed of by vote of the Board. The Commissioner making the motion may withdraw a motion, except a motion to reconsider, at any time before the same has been amended or before a vote shall have commenced, but only if a majority of the Board present consent to withdrawal.

B. A motion may be made to suspend the Rules as provided in Rule 1.103.

RULE 4.602 MOTIONS REQUIRING NO SECOND

The following motions shall be decided or acted upon without requiring a second:

A. Call for the division of a question.
B. Motion to receive committee and agency recommendations.
C. Fill a blank.
D. Inquires of any kind.
E. Leave to withdraw a motion.
F. Object to the consideration of a question.
G. Parliamentary inquiry.
H. Point of information.
I. Point of order.
J. Question of privilege.

RULE 4.603 PRECEDENCE

When a question is under debate, the following motions shall be entertained and shall take precedence over each other in the following order:

A. Adjourn to a date certain.
B. Adjourn.
C. Take a recess.
D. Close debate at a specified time.
E. Postpone to a day certain.
F. Refer to a committee.
G. Amend.
H. Postpone to a certain time.
I. Postpone indefinitely.
J.

RULE 4.604 PROPOSING QUESTIONS

The Chair shall propose all questions in the order in which they are moved unless the subsequent motion be previous in nature, except that in naming sums and fixing times the largest sums and the longest times shall be put first.

RULE 4.605 RECONSIDERATION

A. After the decision of any question, it shall be in order only for a Commissioner voting on the prevailing side to move a reconsideration, but such motion may be seconded by any Commissioner. When a majority of the Commissioners present vote in the affirmative but the question is lost because the concurrence of a greater number is necessary for adoption or passage, any Commissioner may move for a re-consideration. If a motion to reconsider is lost, it shall not be renewed again. A motion to reconsider may be laid on the table or postponed indefinitely, the effect of such action in either case shall be to defeat the motion to reconsider and to prevent further consideration thereof.

B. Disposition. If a motion to reconsider the vote on a main question is made immediately after such vote is taken, it may, at the option of the mover, be decided immediately or left pending. If it is made other than immediately after such vote is taken, it shall be left pending for consideration by the Board. All motions for reconsideration not immediately disposed of shall be considered and disposed of at the same hearing or meeting.

C. Collateral Matters. The adoption of a motion to reconsider a vote upon any secondary matter shall not remove the main subject under consideration from consideration of the Board. A motion to reconsider a collateral matter must be disposed of at once during the

course of the consideration of the main subject to which it is related and such motion shall be out of order after the Board has passed to other business.

RULE 4.606 POSTPONE INDEFINITELY

Motions to postpone indefinitely shall be applicable only to main motions. The adoption of a motion to postpone indefinitely shall dispose of such measure for the duration of the Board meeting at which it is made.

RULE 4.607 LAY ON TABLE

If an amendment is laid on the table, such action shall not carry the main question or any other amendment with it. The motion to lay on the table may not be made by the introducer or mover of the legislation or proposal.

PART 7 RULES OF DEBATE

RULE 4.701 CHAIR MAY PARTICIPATE IN PROCEEDINGS

The Chair may make motions, second motions, and debate, subject only to such limitations of debate as are enforced by these rules on all Commissioners, and shall not be deprived of any of the rights and privileges as Commissioner by reason of being Chair.

RULE 4.702 OBTAINING FLOOR OR RECOGNIZED BY CHAIR

In order to obtain the floor, any Commissioner desiring to speak in debate on a subject open to debate must address the Chair, and, when recognized by the Chair, may speak only on matters germane to the business or question under debate.

RULE 4.703 INTERRUPTION OF SPEAKERS

A Commissioner or official, once recognized, shall not be interrupted while speaking unless calling the Commissioner or speaker to order for transgressing any rule of the Board or failing to maintain proper decorum. Any Commissioner called to order while speaking shall cease speaking until the question of order is determined by the Chair without debate, and if in order, may proceed.

RULE 4.704 PRIVILEGE OF FLOOR AND PUBLIC COMMENT

A. Recognition by the Chair. Except for Commissioners and County officials or employees, no person shall approach or address the Board until the Chair permits the person to approach or address the Board.

B. Members of the public shall be afforded an opportunity to speak on each item on the Board's regular agenda. Members of the public addressing the Board shall comply with the Board's rules of decorum at all times.

C. Entitlement to Public Comment on propositions before the Board:

1. Members of the public shall be given a reasonable opportunity to be heard on a proposition before a Board. The opportunity to be heard need not occur at the same meeting at which the Board takes official action on the proposition if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the Board takes the official action; however, unless otherwise provided by law, members of the

public are not entitled to a reasonable opportunity to be heard in public meetings of the Board in the following circumstances:

(a) The Board is making an official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause unreasonable delay in the ability of the Board to act.

(b) The Board is making an official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations.

(c) The meeting is exempt from Florida Statute § 286.011.

(d) The meeting is one in which the Board is acting in a quasi-judicial capacity. In hearings in which the Board is acting in a quasi-judicial capacity, comment shall be made in conformity with these Rules.

2. Designation of Representative. Groups of more than five members of the public who wish to communicate the same message (e.g., support or opposition to a proposition) to the Board may designate a representative to speak for the group at a public meeting of the Board by filling out a form and submitting it to the designated Staff member present at the meeting, which form indicates the general message of the group and the name and address of each person in the group and which may include a signature from each person in the group in support of the group's message.

3. Time Limit for Comments and Extension of Time for Comment. Each person addressing the Board shall limit comments to two (2) minutes. Members of the public and designated representatives of groups of five or more persons shall limit their comments to the Board to five (5) minutes. The Chair may elect to extend the time available to individual members of the public or designated representatives for comment for an additional time for good cause. A member of the public or designated representative may not assign his or her time or any part of his or her time to another speaker.

D. For public comment on items that are not a proposition being considered by the Board, a Citizen Comment period shall be provided prior to the adjournment of all regular meetings of the Board for persons to address the Board on matters which reasonably may need attention of the Board. Each person addressing the Board shall limit comments to two (2) minutes, unless extended by the Chair for good cause.

E. The Board's "Rules for Public Participation", attached hereto as Exhibit "B", are adopted as part of this policy and shall be displayed at the entrance to the meeting chamber for each meeting of the Board and shall govern all public participation.

RULE 4.705 DECORUM

Members of the public and designated representatives shall address their comments to the Board as a whole and not to any Commissioner individually or any group of Commissioners. Imposing a demand for an immediate response from the Board or any member thereof during public comment shall be considered out of order. Persons shall not address the Board with personal, impertinent, or slanderous remarks, or become boisterous. A Commissioner shall not engage in dialogue with persons making public comment unless the question or comment is directed through the Chair or made with the permission of the Chair.

CHAPTER 5: ETHICS POLICIES AND PROCEDURES

PART 1 GENERALLY

RULE 5.101 INTENT AND PURPOSE.

This Chapter 5 may be referred to as the "Columbia County Board of County Commissioner's Ethics Policies and Procedures" or "Ethics Policy". This policy is hereby established as the proper operation of County government requires that County Commissioners be independent and impartial; that County policy and decisions be made through established processes; that County Commissioners not use public office to obtain private benefit; that County Commissioners avoid actions which create the appearance of using public office to obtain a benefit; and that the public have confidence in the integrity of its County government, its County Commissioners, and all those employed by or through the County government.

RULE 5.102 ACKNOWLEDGMENT OF RULES.

All County Commissioners, upon taking their oath of office to their current term and all current County Commissioners within ten (10) days of the passage hereof, shall submit a signed statement to the County Attorney acknowledging that they have received and read Chapter 5 herein, that they understand it, and that they are bound by it. All candidates for County Commission, upon qualifying to run for that office, shall submit a signed statement to the County Attorney acknowledging that they have read Chapter 5 of these Rules and Policies, that they understand it, and that they shall be bound by it upon election to office. All County Employees shall be notified upon adoption of these Rules or upon their employment with the County of this Ethics Policy and shall be bound by it.

RULE 5.103 INTERPRETATION, ADVISORY OPINIONS.

When in doubt as to the applicability and interpretation of the Ethics Policy or any part hereof, any County Commissioner, County Officer, or County Employee may request an advisory opinion from the County Attorney. The County Attorney shall keep a file, open to the public, of all written opinions issued and submit a copy of each opinion rendered to every County Commissioner. Any County Commissioner who dissents from an opinion of the County Attorney issued pursuant to this rule may request a review by the Board of County Commissioners of the advisory opinion in question within thirty (30) days of its issuance. If no request for review is made then the opinion shall become final. A majority vote of the Board of County Commissioners taken at a public meeting after discussion shall be required to override the opinion of the County Attorney.

RULE 5.104 DEFINITIONS.

A. "Advisory body" means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of each agency it serves or $100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.

B. "Agency" means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.

C. "Business associate" means any person or entity engaged in or carrying on a business enterprise with a public officer, public employee, or candidate as a partner, joint venturer, corporate shareholder where the shares of such corporation are not listed on any national or regional stock

exchange, or co-owner of property.

D. "Business entity" means any corporation, company, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

E. "Candidate" means any person who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public officer. This definition expressly excludes a committeeman or committeewoman regulated by chapter 103 and persons seeking any other office or position in a political party.

F. "Conflict" or "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

G. "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

H. "County Officer" shall include any person elected or appointed to hold office in the County government, including County Commissioners, the County Manager, an Assistant County Manager, the County Attorney, the County Engineer, and any person serving on an advisory body.

I. "County Commissioner" shall include any member of the Board of County Commissioners.

J. "County Employee" shall include any person employed by the Board of County Commissioners or the County Manager.

K. "Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given within 90 days, including:

   a. Real property
   b. The use of real property
   c. Tangible or intangible personal property.
   d. The use of tangible or intangible personal property. For the purposes of this part "intangible personal property" means property as defined in s. 192.001(11)(b), Florida Statutes.
   e. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
   f. Forgiveness of indebtedness.
   g. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
   h. Food or beverage.
   i. Membership dues.
   j. Entrance fees, admission fees, or tickets to events, performances, or facilities.
   k. Plants, flowers, or floral arrangements.
   l. Services provided by persons pursuant to a professional license or certificate.
   m. Other personal services for which a fee is normally charged by the person providing the services.
   n. Any other similar service or thing having an attributable value not already provided for in this section.
   o. For the purposes of this part the term "consideration" does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts.

L. "Gift" does not include:

   a. Salary, benefits, services, fees, commissions, gifts, or expenses associated

primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.

b. Contributions or expenditures reported pursuant to chapter 106, Florida Statutes, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
c. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.
d. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
e. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
f. The use of a public facility or public property, made available by a governmental agency, for a public purpose.
g. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.
h. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

M. "Indirect" or "indirect interest" means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.
N. "Liability" means any monetary debt or obligation owed by the reporting person to another person, entity, or governmental entity, except for credit card and retail installment. accounts, taxes owed unless reduced to a judgment, indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, or accrued income taxes on net unrealized appreciation. Each liability which is required to be disclosed by s. 8, Art. II of the State Constitution shall identify the name and address of the creditor.
O. "Material interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of this act, indirect ownership does not include ownership by a spouse or minor child.
P. "Purchasing agent" means any public officer or employee having the authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for an agency, as opposed to the authority to request or requisition a contract or purchase by another person.
Q. "Relative," unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee

intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

R. "Represent" or "representation" means actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.

RULE 5.105 CONFLICTS WITH STATE LAW

In the event of conflict between Florida Statutes and this Ethics Policy, the Florida Statutes shall apply.

PART 2 STANDARDS OF CONDUCT.

RULE 5.201 SOLICITATION OR ACCEPTANCE OF GIFTS.

No County Officer, County Employee, or candidate for County office shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding, express or implied, which the County Officer, County Employee, or candidate knows or should know, is intended to influence the vote, official action, or judgment of the County Officer, County Employee, or candidate.

RULE 5.202 DOING BUSINESS WITH ONE'S AGENCY.

No County Employee acting in his or her official capacity as a purchasing agent, or County Officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the County Officer or County Employee or the County Officer's or County Employee's spouse or child is an officer, partner, director, or proprietor or in which such County Officer or County Employee or the County Officer's or County Employee's spouse or child, or any combination of them, has a material interest. Nor shall a County Officer or County Employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the County. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

a. October 1, 1975.
b. Qualification for elective office.
c. Appointment to public office.
d. Beginning public employment.

RULE 5.203 UNAUTHORIZED COMPENSATION.

No County Officer or County Employee or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such County Officer, or County Employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the County Officer or County Employee was expected to participate in his or her official capacity.

RULE 5.204 SALARY AND EXPENSES.

No County Commissioner shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a County Officer, as provided by law. The County Attorney

shall not be prevented from considering any matter affecting his or her salary, expenses, or other compensation as the local government attorney, as provided by law.

RULE 5.205 MISUSE OF PUBLIC POSITION.

No County Officer or County Employee shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s.104.31, Florida Statutes.

RULE 5.206 CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.

A. No County Officer or County Employee shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, the County, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall a County Officer or County Employee have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

B. If the Board of County Commissioners exercises any regulatory power over a business entity residing in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a County Officer or County Employee shall not be prohibited by this subsection or be deemed a conflict.

C. This subsection shall not prohibit a County Officer or County Employee from practicing in a particular profession or occupation when such practice is required or permitted by law or ordinance.

RULE 5.207 DISCLOSURE OR USE OF CERTAIN INFORMATION.

No County Officer or County Employee shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

RULE 5.208 POST-EMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT.

A. No County Officer shall personally represent another person or entity for compensation before the Board of County Commissioners for a period of two (2) years following vacation of office. The manner in which the former County Officer vacated office is immaterial to the applicability of this provision.

B. No County Officer or County Employee shall participate in any communications, including meetings, telephone calls, written correspondence, or indirect communication of any kind with a former County Officer if: (1) the subject matter of the conversation relates to a third party and the matter is likely to come before the Board of County Commissioners, and (2) the County Officer or County Employee knows or should know the former County Officer left his or her position with the County less than two years prior to the communication. The

manner in which the former County Officer vacated office is immaterial to the applicability of this provision.

RULE 5.209 COUNTY EMPLOYEES HOLDING OFFICE.

A. No County Employee shall hold office as a member of the Board of County Commissioners or be a candidate for such position while, at the same time, continuing as a County Employee.

B. The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this Policy. However, such a person shall surrender his or her conflicting employment prior to seeking reelection or accepting reappointment to office.

RULE 5.210 EXEMPTION.

The requirements of Rules 5.202 and 5.206 as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing entity and full disclosure of the transaction or relationship by the appointee to the appointing entity. In addition, no person shall be held in violation of Rule 5.202 or 5.206 if:

A. Within the County the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the County.

B. The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder; and

1. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;
2. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and
3. The official, prior to or at the time of the submission of the bid, has filed a statement with the County disclosing the official's relationship to the bidder.

C. The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.

D. An emergency purchase or contract which would otherwise violate a provision of Rule 5.202 or 5.206 must be made in order to protect the health, safety, or welfare of the citizens of the County or state.

E. The business entity involved is the only source of supply within the political subdivision of the County Officer or County Employee and there is full disclosure by the County Officer or County Employee of his or her interest in the business entity to the Board of County Commissioners prior to the purchase, rental, sale, leasing, or other business being transacted.

F. The total amount of the transactions in the aggregate between the business entity and the agency does not exceed $500 per calendar year.

G. The fact that a County Officer or County Employee is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of the County, provided it appears in the record that the Board of County Commissioners has determined that such County Officer or County Employee has not favored such bank over other qualified banks.

H. The County Officer or County Employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with Columbia County.

I. The County Officer or County Employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of the County and:

1. The price and terms of the transaction are available to similarly situated members of the general public; and
2. The County Officer or County Employee makes full disclosure of the relationship to the Board of County Commissioners prior to the transaction.

RULE 5.211 ADDITIONAL EXEMPTION.

No County Officer or County Employee shall be held in violation of Rule 5.202 or 5.206 if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s.501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with Columbia County, and:

A. The County Officer's employment is not directly or indirectly compensated as a result of such contract or business relationship;

B. The County Officer has in no way participated in the County's decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with County Officers or County Employees, or otherwise; and

C. The County Officer abstains from voting on any matter which may come before the Board of County Commissioners involving the officer's employer, publicly states to the assembly the nature of the County Officer's interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s.112.3143, Florida Statues.

RULE 5.212 NON-INTERFERENCE IN COUNTY REAL ESTATE TRANSACTIONS.

The following provisions are intended to assure the integrity of the competitive bidding process is preserved, agreements are negotiated at arms-length and consistently enforced, and that no County Commissioner utilizes his or her position or any property within his or her trust, to secure a special privilege, benefit, or exemption for himself, herself, or others.

A. Definitions. As used in this subsection, unless the context otherwise requires, following terms shall be defined as follows:

1. "County Real Estate Transaction" shall include any existing or proposed real estate transaction in which the County is involved as either a buyer, seller, lessee, lessor, or is otherwise involved as a party.
2. "Communicate" or "Communication" shall include one-on-one meetings, discussions, telephone calls, e-mails, and the use of other persons to convey information or receive information.

3. "Property Manager" shall mean the individual or entity retained by the Board of County Commissioners to lease and manage any County-owned property or, in absence of such an individual, the County Manager.

B. Restricted Communication with Parties to County Real Estate Transactions.
No County Commissioner shall knowingly communicate with any individual or entity, or their employees, officers, or agents, involved as a party in any County Real Estate Transaction, unless the communication is:

1. Part of the transactional process expressly described in a request for bids or other such solicitation invitation;
2. Part of a noticed meeting of the Board of County Commissioners; or
3. Incidental and does not include any substantive issues involving a County Real Estate Transaction in which such individual or entity is a party.

C. Any Board member who receives a communication in violation of this Rule shall place in the record at the next regular meeting of the Board of County Commissioners, the following:

1. Any and all such written communications;
2. Memoranda stating the substance of any and all such oral communications; and
3. Any and all written responses to such communications, and memoranda stating the substance of any and all oral responses thereto, if any.

D. Restricted Communication with County Employees and Property Manager.

1. No County Commissioner shall directly or indirectly coerce or attempt to coerce the County Manager, the County Attorney, any other County Employee, or the Property Manager, with respect to any County Real Estate Transaction.
2. The County Manager or his designee shall be responsible for the management of any County-owned property, including the enforcement and termination of leases and license agreements. Except for the purpose of inquiry, County Commissioners shall not communicate directly or indirectly, give directions or otherwise interfere with these property management responsibilities.
3. Any communication outside a noticed meeting of the Board of County Commissioners between a County Commissioner and the County Manager, the County Attorney, any County Employee, or the Property Manager, which communication involves a substantive issue in a County Real Estate Transaction, shall be summarized in writing by the Commissioner no later than three (3) working days after the communication (the Communication Summary), to include at a minimum, the name of the persons involved in the communication, the date of the communication, the subject matter of the communication, and the way in which the communication was ended. The Communication Summary may also include the remarks of the persons involved.
4. The Communication Summary shall be delivered in hardcopy or via email using the Commissioner's county email account to the Chair or, if the communication involved the Chair, to the Vice-Chair, with a copy of the Communication Summary to the County Manager and the County Attorney for review.

RULE 5.213 VOTING CONFLICTS.

A. As used in this section:

1. "County Officer" includes any person elected or appointed to hold office in the County government, including any person serving on an advisory body.
2. "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law

B. No County Officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2), Florida Statutes; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the County Officer. Such County Officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

C. A commissioner of a community redevelopment agency created or designated pursuant to Fla. Stat. s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting when voting in said capacity.

D. No appointed County Officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the County Officer, without first disclosing the nature of his or her interest in the matter.

1. Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.
2. In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.
3. For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

4. Whenever a county officer or former county officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

RULE 5.214 USE OF OFFICE FOR POLITICAL OR PERSONAL MATTERS.

Use of County resources, including but not limited to material goods and the use of office staff or any County personnel, for either political campaign purposes or other personal matters, is strictly forbidden.

PART 3 INVESTIGATION AND PROSECUTION OF COMPLAINTS

RULE 5.301 COMPLAINT

A complaint or complaints of any alleged violation or violations of this policy may be made, in writing, by any Commissioner, County Officer, County Constitutional Officer, or County Employee to the County Attorney or, if the complaint raises allegations about the conduct of the County Attorney, to the County Manager. If the alleged violation relates to conduct or omissions of both the County Attorney and the County Manager, then the written complaint may be submitted to the Chair of the Board of County Commissioners for assignment to outside counsel. If the County Attorney directly observes conduct or omissions violating this policy the County Attorney may, in his or her discretion, initiate a complaint and investigation under this part.

A. The complaint shall:
   a. State the name of the complainant.
   b. State the name(s) of the respondent(s) alleged to have violated this policy.
   c. Include a short and plain statement of the facts or circumstances giving rise to the complaint, including the date and location of any violation and the identity of any witnesses to the alleged violation.
   d. Include copies of any documents the complainant wishes to have considered in the investigation of the complaint or, if such documents are not available, a description of such documents and where they are alleged to exist.
   e. Be sworn under oath and signed by the complainant.
      (1) The complaint shall become public record in accordance with and subject to the exemptions contained in Florida Law

RULE 5.302 INVESTIGATION

The complaint shall be reviewed for sufficiency and shall be returned to the complainant without further action if any deficiency is found with the complaint. The complainant shall have ten (10) days to correct any deficiencies or the deficient complaint shall be closed. If the complaint is sufficient to state a claim then the entity with whom the complaint was filed shall notify the respondent of the allegations and conduct an investigation to determine the validity of the claims contained within the complaint.

1. If, in the opinion of the investigator, a conflict of interest exists or arises in the course of the investigation which will impair the ability of the investigator to complete a diligent and impartial investigation, the investigator shall refer the investigation to outside counsel.

2. If the complainant refuses to cooperate in the investigation then the complaint may be dismissed in the discretion of the investigator and the investigator shall file a report stating that basis for dismissal.
3. The investigation shall be concluded within thirty (30) days unless good cause exists to extend the investigation beyond thirty (30) days. If an investigation is extended the investigator shall set forth in writing the good cause for extending the investigation.
4. A written report including all findings of the investigation shall be completed by the investigator and the complaint shall be disposed in accordance with those findings.

RULE 5.303 DISPOSITION

A. No Probable Cause

A finding of "no probable cause" shall mean that the investigation of the complaint has not resulted in the discovery of substantial competent evidence of a violation of this policy. In the event such a finding is made the complainant and the respondent(s) shall be notified via certified letter of the disposition of the complaint. There shall be no appeal of a determination of no probable cause.

B. Probable Cause

A finding of "probable cause" shall mean that the investigation of the complaint has resulted in the discovery of substantial competent evidence of a violation of this policy. If probable cause is found, the investigator shall take the following action:

1. First Violation: The investigator shall reduce all findings to writing and provide same to the respondent, the Chair, and the County Manager. The findings shall include a statement that the finding of probable cause against the respondent is a first violation of this Policy, and shall include remedial action to be taken by the respondent, including direction on how to avoid future ethical violations. The respondent shall complete the remedial action and report same to the investigator.
2. Second Violation: The investigator shall reduce all findings to writing and provide same to the respondent, the Chair, and the County Manager. The findings shall include a statement that the finding of probable cause against the respondent is a second violation of this Policy, and shall be referred for placement on the Board of County Commissioners' Regular agenda for consideration of a public reprimand. Remedial actions, if any, shall be ordered by the Board of County Commissioners.
3. Third Violation: The investigator shall reduce all findings to writing and provide same to the respondent, the Chair, and the County Manager. The findings shall include a statement that the finding of probable cause against the respondent is a third violation of this Policy, and the report and findings shall be referred the Florida Commission on Ethics for further action, if any.

C. Criminal Acts

This Policy shall not prevent referral of any complaint to law enforcement if the investigator has reason to believe a criminal act forms any part of the basis for a complaint.

RULE 5.304 HEARINGS AND APPEALS

The respondent shall have the right to appeal any probable cause determination to the Board of County Commissioners. The respondent shall have ten (10) days from the date the respondent receives a probable cause finding to give notice of appeal to the County Manager in writing. A timely request for appeal shall be set on the soonest board agenda possible following the County

Manager's receipt of the request. Such appeal shall be limited in scope to review of the information gathered in the investigation of the complaint, but the respondent shall have the right to cross examine any witnesses as to statements relied upon by the investigator in making any finding adverse to the respondent. At the conclusion of the hearing on the appeal the Board shall, by a vote of a majority of the voting members on the question, sustain or set aside a finding of probable cause. If no majority vote can be obtained then the finding of probable cause shall stand.

EXHIBIT "A"
COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS

RULES OF DECORUM

1. Commissioners, county staff, members of the public, and any other person speaking during any meeting of the Board shall be respectful to the Board and all others and shall refrain from making personal attacks of any kind. Any person who becomes disorderly or fails to confine remarks to the identified subject or business at hand shall be cautioned by the Chair and given the opportunity to conclude remarks on the subject in a decorous manner within the designated time limit. Any person failing to comply as cautioned may be found to be out of order. An individual found to be out of order shall not address the Board for the remainder of the meeting unless permission is granted by a majority vote of the Commissioners present.

2. If an individual is found to be out of order, he or she shall immediately relinquish the podium. If the person does not do so, he or she may be subject to removal from the meeting room.

3. Order shall be observed while meetings are in session. Clapping, cheering, heckling, or verbal outbursts in support of or opposition to a speaker or his or her remarks are discouraged. Interruptions of any kind will not be permitted. All attendees shall come to order when called upon to do so by the Chair. Failure to come to order may result in removal of the individual or individuals determined by the Chair to be disrupting the meeting. Persons exiting the meeting while in session shall do so in a quiet and courteous manner.

4. In the interest of public safety, no signs or placards shall be mounted on sticks, posts, poles or similar structures. Any other signs, placards, or banners shall be displayed so as not to disrupt meetings or interfere with public view of board business.

Adopted by Resolution 2017R-23

EXHIBIT "B"
COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS

RULES FOR PUBLIC PARTICIPATION

The Board of County Commissioners recognizes the value and benefit of orderly participation of citizens during public meetings. To ensure a fair opportunity for all citizens to participate, the following rules and procedures shall apply to all citizen participation during meetings, public hearings, and workshops. These rules are supplemental to the Board's rules regarding decorum.

Public Comment at Board Workshops. Time shall be allotted at the conclusion of each workshop item for public comment. When called upon by the Chair and prior to making comment, the speaker shall approach the podium, identify him- or herself, state a place of residence, and state whether the speaker represents anyone other than him- or herself. The remarks of each speaker may be up to two (2) minutes. The Chair shall have discretion to afford additional time to any speaker.

Public Comment on Regular Agenda Items or the Consent Agenda. Each person who wishes to address the Commission regarding a Regular Agenda Item or the Consent Agenda shall complete one comment card for each item and submit the card or cards to County staff in the front of the meeting room. Cards shall be submitted before the meeting is called to order. When called upon by the Chair and prior to making comment, the speaker shall approach the podium, identify him- or herself, state a place of residence, and state whether the speaker represents anyone other than him- or herself. Speakers should speak clearly into the microphone. Although free to ask questions of the Board and staff, speakers are reminded that meetings are not a forum for debate between the Commissioners or staff and the public and that responses, if any, shall be directed through the Chair. **The remarks of each speaker may be up to two (2) minutes per item.** The Chair shall have discretion to afford additional time to any speaker.

Citizen Comment. Each person who wishes to address the Commission during the Citizen Comment portion of the Agenda shall complete a comment card and submit the card to County staff in the front of the meeting room. Cards shall be submitted before the meeting is called to order. When called upon by the Chair and prior to making comment, the speaker shall approach the podium, identify him- or herself, state a place of residence, and state whether the speaker represents anyone other than him- or herself. The remarks of each speaker may be up to two (2) minutes. The Chair shall have discretion to afford additional time to any speaker.

Adopted by Resolution 2017R-23

DESOTO COUNTY

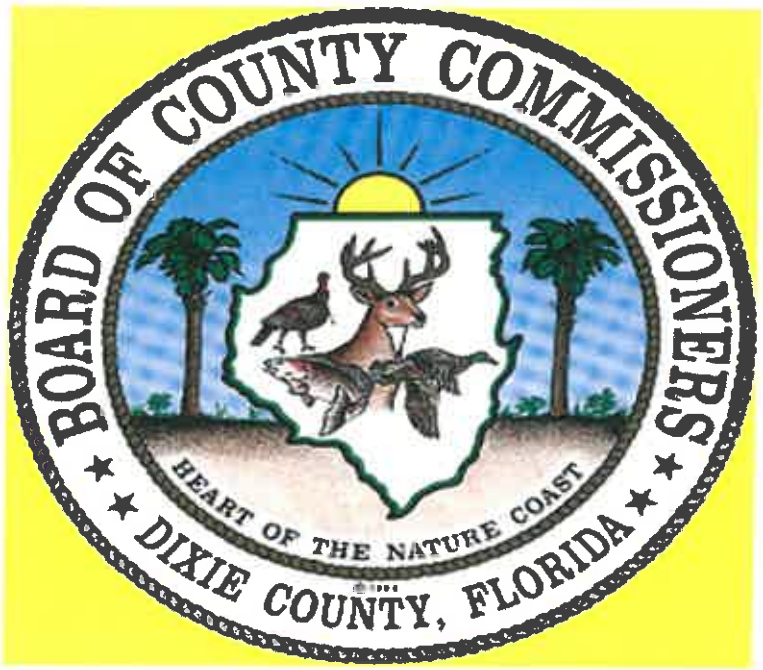
BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

DESOTO COUNTY CODE OF ETHICS:

The Code of Ethics for DeSoto County are the statutory provisions of Chapter 112, Florida Statutes.



DIXIE COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

DIXIE COUNTY CODE OF ETHICS:

The Code of Ethics for Dixie County are the statutory provisions of Chapter 112, Florida Statutes.

DUVAL COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

DUVAL COUNTY CODE OF ETHICS:

See the enclosed adopted ordinances.

ARTICLE 1. - GOVERNMENT AND ETHICS[1]

CHAPTER 1. - CONSOLIDATED GOVERNMENT[2]

Section 1.101. - Consolidated government.

(a) The county government of Duval County, the municipal government of the City of Jacksonville, the Duval County Air Improvement Authority, the east Duval County Mosquito Control District, the northeast Duval County Mosquito Control District, and all boards, bodies, and officers thereof were and are consolidated into a single body politic and corporate pursuant to the power granted by former s. 9 of Article VIII of the Constitution of 1885, as amended, of the State of Florida, which section was continued by and remains in full force and effect under s. of Article VIII of the Constitution of the State of Florida. The name of the consolidated government is City of Jacksonville (herein called "city" or "consolidated government"). The consolidated government succeeds to and possesses all the properties (of whatever nature), rights, capacities, privileges, powers, franchises, immunities, liabilities, obligations, and duties of the former governments and former special districts named in the first sentence of this subsection, without including or affecting the existence, properties, rights, capacities, privileges, powers, franchises, immunities, liabilities, obligations, and duties of the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin. The consolidated government shall have perpetual existence and shall have only such officers, departments, and other agencies as are provided in this charter or as may be established by the council.

(b) The consolidated government has and shall have jurisdiction as a chartered county government and extend territorially throughout Duval County, and has and shall have jurisdiction as a municipality throughout Duval County except in the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin.

(Laws of Fla., Ch. 78-536, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 2010-616-E, § 1)

Section 1.102. - Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and Town of Baldwin.

(a) The territories of the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin were and are also consolidated into the territory of the consolidated government. The Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin shall each continue to exist and have and

retain the same local governmental structure, boards, bodies, officers, laws, municipal charters, and special acts which existed in those areas on September 30, 1968, unless changed in accordance with law. The persons who were officers and members of boards and bodies of the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin on September 30, 1968, continued after that date to occupy the same position and were entitled to the same compensation therefor, unless changed in accordance with law. All such boards, bodies, and officers continue since October 1, 1968, to be elected at the times, in the manner, and for the terms which were provided under their respective municipal charters and continue to have the same powers and duties which they had under those charters, unless changed in accordance with law. All municipal charters and special and general laws which applied to the Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin on September 30, 1968, continue to apply to the respective governments, boards, bodies, and officers unless changed in accordance with law. These Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin each continue to be entitled to own, acquire, encumber, and transfer property in its own name, by the duly authorized action of its boards, bodies, and officers. The Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin are continued as municipalities having all governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and shall be treated, considered, and dealt with as municipalities under the Constitution and laws of the State of Florida and shall be entitled to exercise the same functions, powers, and duties granted to municipalities under the general laws and Constitution of the State of Florida.

(b) The Cities of Jacksonville Beach, Atlantic Beach, and Neptune Beach and the Town of Baldwin shall not be subject to the provisions of section 5.11, article 14, article 16, article 17, or article 19. The council may provide for management or fiscal audits by the council auditor of the second, third, fourth, and fifth urban services districts or their boards, bodies, or officers.

(Laws of Fla., Ch. 78-536, § 1; Laws of Fla., Ch. 92-341, § 1; Ord. 2010-616-E, § 1)

Cross reference— Duval County boundaries, Part B, Art. 1.

CHAPTER 2. - ETHICS

Section 1.201. - Declaration of Ethics Policy.

The proper operation of responsible government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the best interests of the people, the community and the government; that public office not be used for personal gain, and that the public have confidence in the integrity of its government.

(Ord. 2010-616-E, § 1)

Section 1.202. - Ethics code, ethics commission, inspector general.

The City of Jacksonville, acting in its capacity as a county, shall enact an ethics code with jurisdiction over the officers and employees of the consolidated government of the City of Jacksonville, its constitutional officers, and independent agencies and districts, whether elected or appointed, paid or unpaid, and to the officers and employees of the school district. Jurisdiction shall include, but not be limited to the following: The Mayor, the Sheriff, the Supervisor of Elections, the Property Appraiser, the Clerk of the Courts, the Tax Collector, City Council, JEA, the Police and Fire Pension Fund, Jacksonville Aviation Authority, Jacksonville Port Authority, Jacksonville Housing Authority, Jacksonville Housing Finance Authority, Jacksonville Transportation Authority, and the Jacksonville Health Facilities Authority. The ethics code may, as allowed by law, supplement state ethics laws. The ethics code shall provide for an independent ethics commission, whose membership shall have appropriate subject matter expertise, and which shall:

(a) manage a citywide ethics hotline for intakes of allegations of violations of the ethics code;

(b) manage and coordinate the training and education of local officers and employees in state and local ethics;

(c) have the authority to refer ethics matters to appropriate enforcement agencies;

(d) recommend changes in legislation to City Council in the areas of ethics laws and administration, conflicts of interests, hotline policies, ethics education, ethics in procurement, campaign ethics, and lobbying;

(e) have jurisdiction to levy those civil fines or penalties authorized by the City Council for violations of the City's ethics code;

(f) act as the hiring committee for the administrative staff of the ethics oversight and compliance office;

and whose enforcement power is limited to the ethics code authorized by this section and enacted by city council. A structure shall be established for the ethics commission that ensures independence and impartiality

(Ord. 2010-616-E, § 1; Ord. 2014-747-E , § 1)

Section 1.203 - Ethics Oversight and Compliance office and Office of Inspector General.

(a) The ethics code provided for in section 1.202 of the Charter shall include the establishment of an independent citywide Ethics Oversight and Compliance office and an independent Office of Inspector General, each with jurisdiction over the City of Jacksonville, its constitutional officers, and its independent agencies.

(b) The Ethics Office shall coordinate ethics training, ethics compliance, and ethics oversight issues and to staff the ethics commission.

(c) The Office of Inspector General shall provide independent oversight of publicly funded activities and transactions and other local government operations. The office shall have jurisdiction to investigate, audit, and provide contract oversight, and to promote economies and efficiencies, improve agency operations, and prevent and deter waste, fraud and abuse.

(d) The Ethics Oversight and Compliance Office and the Office of Inspector General shall, to the extent practicable and advisable, share resources, promote efficiencies and avoid duplications.

(Ord. 2010-616-E, § 1; Ord. 2014-519-E, § 4; Ord. 2014-747-E , § 1)

Section 1.204 - Administrative Support.

(a) Appropriate support, as determined by City Council, shall be provided to the ethics commission and to the citywide Ethics Oversight and Compliance office and to the Inspector General to carry out each of their duties and responsibilities.

(b) Subsection (a) support shall include a mechanism to obtain documents and testimony in connection with violations of the City's ethics code.

(c)

The City and the independent agencies may enter into agreements for purposes of providing funding and administrative support for ethics and inspector general activities.

(d) Subject to available funding, the Inspector General may, appoint, employ or retain independent legal counsel to assist with the functions of the office.

(Ord. 2010-616-E, § 1; Ord. 2014-747-E , § 1)

Section 1.205. - Ethics Education and Application of Ethics Laws.

Every elected official within the consolidated government shall complete such ethics training as may be required by the ethics code. This requirement shall apply to all elected officials within the consolidated government, including, without limitation, the Mayor, all City Council Members, all Duval County School Board Members, the Sheriff, the Supervisor of Elections, the Property Appraiser, the Tax Collector, and the Clerk of the Circuit and County Court. Additionally, all such elected officials shall be included in the definition of the term "officer" regarding any ethics code definition referring to officers as any person elected to any City office and all such elected officials shall comply with all laws applicable to officers in the City's ethics code.

(Ord. 2010-616-E, § 1; Ord. 2017-347-E , § 1)

Section 1.206. - Professional Standards.

Subject to practicality and available funding, the Office of Inspector General should apply for and pursue professional accreditations for the investigative functions of the office offered by the Florida Commission for Law Enforcement Accreditation.

(Ord. 2014-747-E , § 1)

Section 1.207. - Inspector General Independent Selection.

The City Council shall amend, enact, reenact, or recodify appropriate legislation to ensure that the hiring and removal of the inspector general shall be vested with an independent inspector general selection committee.

(Ord. 2014-747-E , § 1)

Chapter 2 - OATHS

Sec. 2.101. - Oaths of public officials.

The Mayor, all Council Members, all appointed employees confirmed by Council, and all appointees to non-advisory Boards and Commissions of the City, before entering upon the duties of the office, shall sign an oath, swearing or affirming the following:

> "I do solemnly swear (or affirm) that I am duly qualified to hold office under the Constitution of the state, or of the Charter or Ordinance Code of the City of Jacksonville; that I will support, protect, defend and honor the Constitutions, Governments, and laws of the United States and of the State of Florida; that I will support, protect, defend and honor the Charter, the ethics laws, and other ordinances, rules, and regulations of the City of Jacksonville; and that I will well and faithfully perform the duties of (title of office) on which I am now about to enter. So help me God."

(Ord. 2006-863-E, § 7)

Sec. 15.103. - Notice of Council Public Meetings; posting and timing.

(a) All council public meetings shall be publicly noticed in a timely manner. The notices required shall include at a minimum (i) the date and time of the meeting noticed, (ii) the date and time the notices are posted, (iii) the location of the meeting, and (iv) the general subject matter of the meeting, and (v) the Council Member calling the meeting and any other Council Members who, at the time of notice, are expected to be in attendance.

(b) Council Public Meeting notices shall be provided on the Council's internet website, which utilizes modern technology and provides swift public notice to all of Jacksonville. In addition to the internet, posting of notices shall be made at such locations at City Hall where public meetings are generally noticed, and by such other methods as may be appropriate or required by particular circumstances.

(c) Notice of Council Public Meetings shall be posted for at least 24 hours prior to the meeting, not including weekends and holidays.

(d) Notwithstanding subsection (c) above, notice of Council Public Meetings may be posted for a period of less than 24 hours, only in the event of an emergency, and when approved in writing by the Council President and with notice to the City's Ethics Director.

(e) A copy of the notices of all Council Public Meetings shall be provided to and maintained in a retrievable format and filing system developed by the Legislative Services Division.

(f) The Director/Council Secretary shall develop and implement standardized policy and procedures for City Council sunshine meeting notices and uniform calendaring practices.

(Ord. 2007-733-E, § 1; Ord. 2008-329-E, § 1; Ord. 2013-285-E, § 1)

Sec. 15.107. - Biannual (every two years) review and report on Council notices, meeting locations, and minutes.

(a) The Inspector General's Office shall review information provided by the Legislative Services Division regarding:

(1) The notices of Council Public Meetings;

(2) The location of such public meetings; and

(3) Written minutes of such public meetings, and prepare an annual report thereon.

The Inspector General shall file such report with the Council committee to which audit matters are referred, the Council President, the City Ethics Officer, and the Ethics Commission, who may comment thereon.

(b) The report, as required by subsection (a) above, shall include confirmation, through methods and means developed by the Inspector General, that:

(1) Notices were public and timely, and not less than 24 hours exclusive of weekends and holidays, and accessible to the public by internet;

(2) That meetings were located in appropriate public rooms, with a list of all meetings held in Council Members' offices;

(3) That minutes were written, maintained in the filing system, and available for retrieval; and

(4) That all Council Members and Executive Council Assistants have received annual continuing education and training on the Sunshine Law;

and shall provide recommendations, as appropriate to improve compliance, as authorized by Section 15.109 below. The report shall be based upon a review of that information collected and provided by the Council Secretary/designee, and any other information that is known to the Inspector General.

(c) The Inspector General's review shall commence in even number years on May 1st, 60 days prior to installation of a new Council President, and the report shall be provided no later than June 1. The Inspector General's review shall be based upon statistically significant samples from the preceding two years.

(Ord. 2007-733-E, § 1; Ord. 2010-135-E, § 1; Ord. 2013-285-E, § 1; Ord. 2014-519-E, § 7)

Sec. 15.108. - Annual continuing education and training.

(a) Council Members and Executive Council Assistants shall receive, and the Office of the General Counsel, with the assistance of the City Ethics Director, the Director/Council Secretary and other supporting agencies, shall provide annual training on Government in the Sunshine, open meetings laws and ethics laws.

(b) The date, format, time, and duration of this training shall be determined by the Director/Council Secretary, Director of Ethics, and Office of General Counsel and shall be utilized to fulfill the requirements of F.S. § 112.3142.

(c) All Council Members and Executive Council Assistants shall be provided materials in electronic format.

(d) In addition to annual training, training on Government in the Sunshine, open meetings laws and ethics shall be provided upon special request. These presentations may be given at committee or Council meetings or at other times as may be directed by the Council President.

(Ord. 2007-733-E, § 1; Ord. 2008-329-E, § 1; Ord. 2010-135-E, § 1; Ord. 2013-285-E, § 1; Ord. 2016-6-E, § 1)

Sec. 15.109. - Recommendations for improved compliance.

The Director/Council Secretary, the City Ethics Director, and the Office of General Counsel, may make recommendations for improvements to this Chapter to the City Council.

(Ord. 2007-733-E, § 1; Ord. 2010-135-E, § 1; Ord. 2013-285-E, § 1)

Sec. 50.107. - Boards and commissions subject to certain laws.

Each board and commission is subject to the provisions of F.S. Ch. 119 and F.S. Ch. 286 (the Public Records Law and the Government in the Sunshine Law, respectively) and any exceptions as provided for by Florida law, specifically Section 112.324 (Commission on Ethics). Each prospective member of a board or commission of the City shall be provided with a summary of F.S. Ch. 119 and F.S. Ch. 286, prepared by the Office of Ethics, Compliance and Oversight and the Office of General Counsel, by the nominating authority prior to the prospective member's acceptance of such nomination. Furthermore, each prospective member shall acknowledge receipt of these documents and shall acknowledge an understanding of the duties and responsibilities of such membership, as imposed by such laws, prior to confirmation of the prospective member by the Council. The rules of each board and commission shall designate a custodian of the records of the board or commission, who shall be responsible for their safekeeping and administration according to F.S. Ch. 119 and Part 2, Chapter 124.

(Ord. 83-591-400, § 1; Ord. 88-131-50, § 1; Ord. 2010-172-E, § 1; Ord. 2015-268-E , § 1)

Sec. 50.109. - Ethics Training.

Every Board and Commission member shall attend an Ethics Training program within the first six months of confirmation of his/her appointment. Upon fulfillment of this requirement, each member will be issued a certificate of completion by the Ethics Office. This certification is valid for a period of four years. Each member shall also be required to review any annual training updates posted online. The Ethics Training program shall be created and delivered by the Office of Ethics, Compliance and Oversight with assistance from the Office of General Counsel. Training topics may include but are not limited to:

(1) Ethics in government;

(2) ADA compliance;

(3) Chapter 50 (Boards and Commissions) and Chapter 58 (Advisory Boards and Commission) of the Ordinance Code;

(4) Public Records and Sunshine Law;

(5) Methods for elimination of discriminatory practices.

(Ord. 2015-268-E , § 1)

Sec. 102.103. - Reporting violations of Code of Ethics.

Consistent with section 602.1106 (Reporting of Violations By Council Auditor), when the Council Auditor has reasonable grounds to believe that a violation of the Code of Ethics contained in F.S. Ch. 112, Pt. III has occurred, the Council Auditor shall report the facts relating to the probable violation to the General Counsel in writing.

(Ord. 73-174-116, § 1; Ord. 83-591-400, § 1; Ord. 2007-329-E, § 1)

Note— Former § 129.103.

Sec. 106.703. - Authority for reimbursement for travel expenses.

No traveler may be reimbursed for travel expenses pursuant to this part unless he has obtained, in advance of performing the travel, written approval to travel from the approving authority. Reimbursement shall be made only to travelers and shall be made only for those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency whose funds are involved. No traveler shall be allowed to receive funds or be reimbursed for travel as a gift to an individual from any prohibited party as such party is identified in Section 602.701, Ordinance Code, and, F.S. § 112.3148. Any receipt of funds or reimbursement for travel as a gift to an individual from any other non-prohibited party for City business may only be done upon prior written approval from the Ethics, Compliance and Oversight Office and the Office of the General Counsel. Disclosure and/or reporting of such gifts shall be in accordance with all applicable Federal, State and local law.

(Ord. 77-691-638, § 2; Ord. 83-591-400, § 1; Ord. 2013-351-E, § 1)

Note— Former § 126.703.

Chapter 602 - JACKSONVILLE ETHICS CODE[1]

PART 1. - IN GENERAL

Sec. 602.101. - Legislative intent and declaration of policy; aspirational goals.

It is declared to be the policy of the City of Jacksonville that all officials, officers and employees of the City of Jacksonville and its independent agencies are public servants of the people and hold their positions for the benefit of the public, and that imposing ethical standards upon officials, officers, and employees of all of these agencies serves an important public purpose and serves the public welfare. These public servants shall perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees shall strive to meet the highest standards of ethics consistent with this Code, regardless of personal considerations, recognizing that maintaining the respect of the people must be their foremost concern. This Code shall serve not only as a basis for discipline of public servants who violate these provisions, but also as an aspirational guide for conduct.

The City of Jacksonville consolidated in 1968 in an attempt to create a more responsible government. Since that time, various provisions from state and local law have been created or adapted to guide the ethical behavior of local public servants. This Code coordinates existing laws, adds new provisions outlining guidelines for appropriate behavior, and includes new substantive provisions which impose higher standards and expectations on public servants. Although the people of Jacksonville have learned from and responded to past mistakes, there should be an aspiration to much higher standards.

Ethics is defined as the study of the general nature of morals and moral choices to be made by the individual in his or her relationships with others. Ethics is more than the avoidance of criminal behavior. It is a commitment for public servants to take individual responsibility in creating a government that has the trust and respect of its citizens. There needs to be a proactive approach in strengthening the emphasis on ethics and in guiding City officers and employees in upholding them. To preserve and maintain the integrity of responsible government and its decision-making process, the City of Jacksonville believes it is necessary that the identity, activities and expenditures of certain persons who engage in efforts to influence officers and employees of the City on matters within their official cognizance, either by direct communication or by

solicitation of others to engage in such efforts, be publicly and regularly disclosed. The provisions and requirements of this Code shall apply to every person who attempts to influence government action, unless such person is clearly exempt herefrom by an express provision hereof.

With the above in mind, the City of Jacksonville hereby adopts the following goals for the City ethics program:

(a) Promulgate and implement a comprehensive approach to ethics and integrity in Jacksonville government.

(b) Promote public confidence in public officers and employees and the ethical operation of government.

(c) Promote and ensure compliance with local, state, and federal ethics law.

(d) Centralize laws and regulations on the ethical conduct of City officers and employees.

(e) Heighten knowledge and understanding of the laws and ethical principles which are the inherent obligations of City officers and employees.

(f) Establish a system to train City officers and employees to encourage compliance with these standards and to also provide for periodic review, education and certification on ethics.

(g) Enact an Ethics Officer system that will continue to evolve and update our City's ethics program and to provide guidance and education to all City departments.

(h) Educate City officers and employees to avoid the appearance of impropriety.

Through this comprehensive code and the above-stated goals, the City will strive to elevate the level of ethics in local government, to provide honest and responsible service to the citizens of Jacksonville, and to maintain the confidence and trust of the public that this government serves.

(Ord. 97-890-E, § 1; Ord. 2008-839-E, § 1)

PART 2. - DEFINITIONS

Sec. 602.201. - Definitions.

For purposes of this Chapter, the words and phrases defined in this Section shall have the

following meanings:

(a) *Advisory body* means any board, commission, committee, council or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than one percent of the budget of each agency it serves or $100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations. Any board, commission or authority which has the authority to appropriate money or to exercise quasi-judicial functions is specifically excluded.

(b) *Advisory body official* means any person appointed to an advisory body.

(c) *Appointed employee* means a person holding one of the following public positions:

(1) Executive branch employees, appointed by the Mayor or by Constitutional Officers and confirmed by the Council;

(2) Any other person appointed by the Mayor or by Constitutional Officers, except persons employed solely in maintenance, clerical, secretarial or similar positions; the Mayor, working in coordination with the Constitutional Officers shall, on July 1 of each year, provide a list of appointees who qualify as "Appointed Employees" to the Ethics Office.

(3) Any person appointed by the City Council, except persons employed solely in maintenance, clerical, secretarial, or similar positions; the Council Secretary shall, on July 1st of each year, provide a list of appointees who qualify as "Appointed Employees" to the Ethics Office.

(4) The executive director or chief executive officer of any agency.

(d) *Appointed official* means any person appointed to any board, commission, or authority, but excludes any advisory body official.

(e) *Business entity* means a corporation, partnership, limited partnership, limited liability corporation, limited liability partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual or trust, whether fictitiously named or not, doing business in the City.

(f) *City* means the Consolidated City of Jacksonville.

(g) *Civil service employee* means any individual, other than an individual exempted by Section 17.06, Charter of the City of Jacksonville, receiving compensation for services performed for the City, except individuals performing services as independent contractors.

(h) *Compensation,* as used in Sections 602.801-803, Jacksonville Ordinance Code, means any payment received or to be received by a lobbyist for the performance of lobbying activities, whether the compensation is in the form of a fee, salary, retainer, forbearance, forgiveness, or other form of valuable recompense, or any combination thereof.

(i) *Code* means the Jacksonville Ethics Code, Chapter 602, Ordinance Code.

(j) *Controlling interest* means that the person owns or has an interest in a business entity sufficient to allow him or her to control its operations. In the absence of evidence to the contrary, (1) ownership of (i) ten percent of the voting stock in a corporation or (ii) any interest in a partnership, limited partnership (if this interest is other than as a limited partner with no legal right of control, management or operation), firm, enterprise, franchise or association or (2) the holding of an office in the corporate or business structure which is associated with the management and operation of the business entity, shall be deemed to be a controlling interest.

(k) *Elected official* means any individual elected to any office created by the Charter of the City of Jacksonville.

(l) *Employee* means any individual, other than an elected official, receiving compensation for services performed for the City except individuals who perform services as independent contractors.

(m) *Entire consolidated government* shall mean and include the executive and legislative branches, as well as the Sheriff, Property Appraiser, Supervisor of Elections, Tax Collector, Clerk of the Circuit Court and County, and all independent agencies of the City including, but not limited to, the Duval County School Board, JEA, Jacksonville Port Authority, Jacksonville Aviation Authority, Jacksonville Police and Fire Pension Board of Trustees,

Jacksonville Transportation Authority, Jacksonville Housing and Community Development Commission, Jacksonville Housing Finance Authority and the Jacksonville Children's Commission.

(n) *Ethics commission* means the Jacksonville Ethics Commission.

(o) *Executive branch department* means a department of the City created in Chapters 20-40, Ordinance Code.

(p) *Fair market value* means the price that would be paid by a willing buyer to a willing seller in a good faith transaction in which neither party is compelled to enter.

(q) *Gift*

(1) *Gift* means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for his or her benefit or by any other means, for which equal or greater consideration is not given. Among other things, a gift may be:

(i) Real property;

(ii) The use of property;

(iii) Tangible or intangible personal property;

(iv) The use of tangible or intangible personal property;

(v) A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similar situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin;

(vi) Forgiveness of indebtedness;

(vii) Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging or parking;

(viii) Food or beverage;

(ix) Membership dues;

(x) Entrance fees, admission fees, or tickets to events, performance or facilities;

(xi) Plants, flowers, or floral arrangements;

(xii) Services provided by persons pursuant to a professional license or certificate;

(xiii) Other personal services for which a fee is normally charged by the person providing the services;

(xiv) Any other similar service or thing having an attributable value not already provided for in this Section.

(2) *Gift* does not include:

(i) Salary, benefits, services, fees, commissions, or expenses associated primarily with the donee's employment or business, or provided to the donee as part of the donee's bona fide fact finding efforts on behalf of his or her agency, or provided to the donee by the City, and does not include gifts provided by the City or any governmental agency, to the extent that such gift is not inconsistent with the applicable provisions of Section 112.3148, Florida Statutes;

(ii) Contributions or expenditures reported pursuant to F.S. Ch. 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party;

(iii) An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service;

(iv) An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization;

(v) The use of a public facility or public property, made available by a governmental agency, for a public purpose;

(vi) An honorarium or an expense related to an honorarium event paid to a person or a person's spouse;

(vii) Transportation provided to an officer or employee by an agency in relation to officially approved governmental business.

(viii)

Gifts provided directly or indirectly by a state, regional or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials, officers, or employees, and whose membership is primarily composed of elected or appointed officials, officers, or staff, to members of that organization or officials, officers, or staff of a governmental agency that is a member of that organization.

(ix) Gifts solicited or accepted from a relative, as that term is defined in F.S. § 112.312(21).

(3) For purposes of Section (1) above, *intangible personal property* means property as defined in F.S. § 192.001(11)(b).

(r) *Governmental action* means any administrative or legislative action other than an action which is ministerial or quasi-judicial in nature.

(s) *Honorarium*

(1) *Honorarium* means a payment of money or anything of value, directly or indirectly, to a reporting individual or procurement employee, or to any other person on his or her behalf, as consideration for:

(i) A speech, address, oration or other oral presentation by the reporting individual or procurement employee, regardless of whether presented in person, recorded, or broadcast over the media;

(ii) A writing by the reporting individual or procurement employee, other than a book, which has been or is intended to be published.

(2) The term *honorarium* does not include:

(i) The payment for services related to employment held outside the reporting individual's public position which resulted in the person becoming a reporting individual;

(ii) Any ordinary payment or salary received in consideration for services related to the reporting individual's or procurement employee's public duties;

(iii) A campaign contribution reported pursuant to F.S. Ch. 106;

(iv) The payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event, including any event or meeting registration fee, for a reporting individual or procurement employee and spouse.

(t) *Immediate family* means:

(1) A spouse and

(2) Any dependent minor child;

while "family" includes a spouse, parent, grandparent, grandchild, child, or sibling.

(u) *Independent agency* means the Duval County School Board, the Jacksonville Transportation Authority, the Jacksonville Port Authority, the Jacksonville Aviation Authority, the Police and Fire Pension Fund, JEA, the Jacksonville Housing Authority, and the Water and Sewer Expansion Authority.

(v) *Lobbying principal* means any person providing compensation to a lobbyist in consideration of his or her performance of lobbying activities, regardless of the technical or legal form of the relationship between the principal and the lobbyist. Principal specifically includes a person whose employee or agent lobbies on behalf of the employer or for the benefit, or in the name of the employer.

(w) *Lobbyist* means any natural person who, for compensation seeks, or sought during the preceding 12 months, to influence the governmental decision making of an officer or employee of the City or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by an officer or employee of the City.

(x) *Material interest* means the direct ownership of more than five percent of the total assets or capital stock of a business entity.

(y) *Officer* means any person elected to any City office and any appointed official.

(z)

Permitting employee means any employee of the City who participates through decision, approval, disapproval, recommendation or preparation of a permit or permit application.

(aa) *Person* includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(bb) *Procurement employee* means any employee of the City who participates through decision, approval, disapproval, recommendation or preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in Section 287.012, Florida Statutes, and Chapter 126, Ordinance Code.

(cc) *Public official* means:

(1) Member of the City Council and Council-appointed aides;

(2) The Mayor and the Mayor's appointed assistants and aides;

(3) Chief Administrative Officer;

(4) Head of an Executive department, appointed by the Mayor and confirmed by the Council, which also includes the Executive Director of the Human Rights Commission;

(5) Deputy director of an executive department, appointed by the Mayor and confirmed by the Council;

(6) Chief of a division of an executive department, appointed by the Mayor and confirmed by the Council;

(7) Administrative Aide to the Mayor, appointed by the Mayor under § 6.06 of the Charter; and

(8) Personal secretary to the Mayor, appointed by the Mayor under § 6.06 of the Charter; and

(9) Any individual whose title under civil service is exempt or unclassified;

(dd) *Reporting individual* means and includes:

(1) Elected officials;

(2) Appointed officials;

(3) Appointed employees;

(4) Procurement employees.

(5) Permitting employees;

(6) Zoning employees.

(ee) *Zoning employee* means any employee of the City who participates through decision, approval, disapproval, recommendation or preparation of a zoning matter or application.

(Ord. 97-890-E, § 1; Ord. 1999-796-E, §§ 1, 2; Ord. 2007-329-E, § 3; Ord. 2008-839-E, § 2; Ord. 2016-332-E, §§ 1, 2)

PART 3. - INSPECTOR GENERAL

Sec. 602.301. - Establishment; Office of Inspector General.

There is created an Independent Office of Inspector General. The organization and administration of the Office shall be independent to assure that no interference or influence external to the Office adversely affects the independence and objectivity of the Inspector General.

(Ord. 2014-519-E, § 5)

Sec. 602.302. - Purpose.

The purpose of this Part is to establish a full-time Office of Inspector General in order to provide increased accountability, integrity, and oversight of the entire consolidated government, to assist in promoting economy and efficiency, improving agency operations, and deterring and identifying waste, fraud and abuse. This Part shall not apply to the Office of the State Attorney, and the Office of the Public Defender.

(Ord. 2014-519-E, § 5; Ord. 2016-332-E, § 3)

Sec. 602.303. - Duties and Functions.

The duties and functions of the Office of Inspector General shall include the authority, power and responsibility to:

(a)

Review and evaluate internal controls to protect the resources of the entire consolidated government against waste, fraud, inefficiency, mismanagement, misconduct, and other abuses;

(b) Audit, evaluate, investigate and review past and present the activities, accounts, records, contracts, procurements, change orders, grants, agreements, and other programmatic and financial arrangements undertaken by any office, agency, department, or part of the entire consolidated government, and any other function, activity, process or operation conducted by any office, agency, department, or part of the entire consolidated government; its officials and employees, contractors, their subcontractors and lower tier subcontractors, and other parties doing business with any office, agency, department, or part of the entire consolidated government, or receiving funds from any office, agency, department, or part of the entire consolidated government.

(c) Conduct investigations, audits, contract oversight and reviews, issue reports, and make recommendations in accordance with applicable laws, rules, regulations, policies and past practices. Audits, investigations, inspections and reviews conducted by the Office of Inspector General will conform to professional standards for Offices of Inspector General such as those promulgated by the Association of Inspectors General; in accordance with current International Standards for the Professional Practice of Internal Auditing as published by the Institute of Internal Auditors, Inc., or where appropriate, in accordance with generally accepted governmental auditing standards. The Office of Inspector General shall develop and adhere to written policies in accordance with Florida accreditation standards for Inspector Generals.

(d) Receive full and unrestricted access to the records of any and all officials and employees, contractors, including their subcontractors and lower tier subcontractors, of any office, agency, department, or part of the entire consolidated government and other parties doing business with any office, agency, department, or part of the entire consolidated government or receiving funds from any office, agency, department, or part of the entire consolidated government.

(e)

Receive, review, and investigate any complaints regarding projects, programs, contacts or transactions of any office, agency, department, or part of the entire consolidated government;

(f) Establish a "hotline" to receive complaints, from either anonymous or identified persons.

(g) Review referrals from the Director of the Office of Ethics Compliance and Oversight.

(h) Require all officials, employees, and contractors, their subcontractors and lower tier subcontractors, and other parties doing business with any office, agency, department, or part of the entire consolidated government or receiving funds from any office, agency, department, or part of the entire consolidated government to provide statements; administer oaths; and, require the production of documents, records and other information. In the case of refusal by an official, employee or other person to obey a request by the Office for documents or for an interview, the inspector general shall have the power to subpoena witnesses, administer oaths, and require the production of documents.

(i) In the case of refusal to obey a subpoena served to any person, the Inspector General may make application to any court of competent jurisdiction to order the witness to appear before the Inspector General and to produce evidence, or to give testimony relevant to the matter in question.

(j) Where the Inspector General suspects a possible violation of any state, federal or local law, he or she shall notify the appropriate law enforcement agencies.

(k) The Mayor and any and all Officials of any office, agency, department, or part of the entire consolidated government shall promptly notify the Inspector General of possible mismanagement of a contract (misuse or loss exceeding $5,000 in public funds), fraud, theft, bribery, or other violation of law which appears to fall within the jurisdiction of the Inspector General, and may notify the Inspector General of any other conduct which may fall within the jurisdiction of the Inspector General.

(l)

Engage in prevention and outreach activities, including but not limited to: develop public awareness to inform government officials and employees, as well as the general public, of the authority and responsibility of the Office.

(m) Recommend remedial actions to be taken by any office, agency, department, or part of the entire consolidated government to overcome or correct operating or maintenance deficiencies and inefficiencies that were identified by the Office.

(n) Issue an annual report to the Ethics Commission, Mayor, the Council and deliver to the full City Council a verbal briefing on activities of the Office every six months.

(o) Monitor implementation of the recommendations made by the Office.

(p) Monitor, inspect and review, without limitation, the operations, activities, performance, and procurement processes including, but not limited to, bid specifications, bid submittals, activities of the contractor, their subcontractors and lower tier contractors, its officers, agents and employees, lobbyists, officials and staff of any office, agency, department, or part of the entire consolidated government, in order to ensure compliance with contract specifications and detect corruption and fraud.

(q) Be notified in writing prior to any duly noticed public meeting of a procurement selection committee where any matter relating to the procurement of goods or services by any office, agency, department, or part of the entire consolidated government is to be discussed.

(r) Establish and post policies and procedures to guide functions and processes conducted by the Office.

(s) Reserved.

(t) Exercise any of the powers contained in this chapter upon his or her own initiative.

(u) The Office records related to active audits, investigations and reviews shall be confidential and exempt from disclosure, as provided by Section 112.3188(2) and Chapter 119, Florida Statutes.

(v) The Inspector General is considered the "appropriate local official" of the City for purposes of whistleblower protection provided by Section 112.3188(1), Florida Statutes;

(w) The Inspector General has the power to appoint, employ, and remove such other personnel as is deemed necessary for the efficient and effective administration of the activities of the office. All such appointees shall serve at the pleasure of the Inspector General and shall be exempt from civil service.

(x) to enforce this chapter by all means provided by law, including seeking injunctive relief in the Fourth Judicial Circuit Court in and for Duval County.

(Ord. 2014-519-E, § 5; Ord. 2016-332-E , § 4; Ord. 2016-360-E , § 1)

Sec. 602.304. - Inspector General Established; Qualifications.

The Inspector General shall head the Office of Inspector General and shall have a bachelor's degree or higher from an accredited college or university, and at least ten years of experience in government auditing, investigation, or prosecutorial or criminal justice administration, public administration or business administration. A master's degree or higher is preferred. Professional certifications such as certified inspector general, certified inspector general auditor or investigator, certified public accountant, certified internal auditor, or certified fraud examiner are recommended. The Inspector General shall not have been found guilty of or entered a plea of nolo contendere to any felony, or any misdemeanor involving the breach of public trust. Unless a certification is already held, the Inspector General shall be required to obtain certification within 24 months of becoming the Inspector General.

(Ord. 2014-519-E, § 5)

Sec. 602.305. - Selection, Term, Contract, Removal and Vacancy.

(a) *Selection.* The responsibility for selecting the inspector general shall be vested with the Inspector General Selection and Retention Committee, hereinafter, the "Committee."

The Committee shall be composed of seven members selected as follows:

(1) The President of the Jacksonville City Council or his or her designee;

(2) The State Attorney of the Fourth Judicial Circuit or his or her designee;

(3) The Chair of the Jacksonville Ethics Commission or his or her designee;

(4) The Chair of the Jacksonville TRUE Commission or his or her designee;

(5) The Public Defender of the Fourth Judicial Circuit or his or her designee;

(6) The Chief Judge of the Fourth Judicial Circuit or his or her designee; and

(7) The Mayor of the City of Jacksonville or his or her designee.

The members of the Committee shall elect a chairperson who shall serve until the Inspector General is confirmed by the City Council. The Committee shall select the Inspector General with no less than four members approving the appointment from a list of qualified candidates submitted by the Jacksonville Employee Services Department. The Committee's selection is subject to confirmation by City Council.

(b) *Term.* The Inspector General shall be appointed for a term of four years. The Committee shall convene at least six months prior to the end of the four-year contract term to determine whether to renew the contract of the Inspector General or to solicit new candidates.

(c) *Contract.* The Chair of the Committee, in coordination with the Office of General Counsel, shall negotiate a contract of employment with the Inspector General. The Inspector General shall be an appointed employee exempt from civil service and shall be entitled to all rights and benefits normally accorded to appointed employees.

(d) *Removal.* The Inspector General may be removed based on specified charges initiated by the Committee for the following: neglect of duty, abuse of power or authority, discrimination, or ethical misconduct. The Inspector General shall be provided sufficient advance notice of the reasons for the possible removal, and shall be given an opportunity to be heard on the charges. A decision of the Committee to remove the Inspector General must be approved by a minimum of four members of the Committee and be confirmed by the City Council.

(e) *Vacancy.* In the event of a vacancy in the position of Inspector General, the Committee shall appoint an interim Inspector General until such time as a successor Inspector General is selected and assumes office. The Interim Inspector General shall meet all qualifications provided herein for the Inspector General.

(Ord. 2014-519-E, § 5)

Sec. 602.306. - Records Disclosure.

The Inspector General's final reports shall be public records to the extent that they do not include information that has been made confidential and exempt from release to the public by Florida or federal law.

(Ord. 2014-519-E, § 5)

Sec. 602.307. - Annual Budget.

The Mayor shall establish in the annual budget a separate activity for the Inspector General's Office similar to the budget presentation of a department of the City of Jacksonville. A minimum funding base is hereby established at $400,000 annually.

(Ord. 2014-519-E, § 5)

Sec. 602.308. - Coordination with City Council Auditor's Office.

The Inspector General and the City Council Auditor shall mutually cooperate, subject to their respective standards on confidentiality, and where practicable, to avoid duplication of efforts in audit functions. The Inspector General and the Council Auditor shall obtain respective approval prior to an offer of employment of their respective employees.

(Ord. 2014-519-E, § 5)

Sec. 602.309. - Penalty Provisions.

It shall be unlawful and up to a $500 fine for:

(1) Any person to retaliate, punish, threaten, harass, or penalize any person for assisting, communicating or cooperating with the Inspector General; or

(2) Any person to knowingly interfere, obstruct, impede or attempt to interfere, obstruct, or impede any investigation conducted by the Inspector General.

(Ord. 2014-519-E, § 5)

PART 4. - CONFLICTS OF INTEREST

SUBPART A. - CONFLICTING RELATIONSHIPS

Sec. 602.401. - Misuse of position, information, etc.

(a) It is a violation of this Chapter for an officer or employee of the City or an independent agency to intentionally use his or her official position to secure, by coercion or threat, a special privilege or exemption for himself, herself or others, or to secure confidential information for any purpose other than official responsibilities.

(b) It is a violation of this Chapter for an officer or employee of the City or an independent agency to intentionally or knowingly disclose any confidential information gained by reason of said officer or employee's position concerning the property, operations, policies, or affairs of the City or an independent agency, or use such confidential information for pecuniary gain.

(c) It is a violation of this Chapter for an officer or employee of the City or an independent agency, to directly or indirectly lend or borrow over $100, to or from a higher ranking or subordinate employee in the chain of command. It is also unlawful for an officer or employee of the City or an independent agency, to directly or indirectly lend or borrow over $500 to or from anyone else in the officer or employee's department. This subsection shall not be applicable to lending between family members.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2011-232-E, § 3; Ord. 2014-457-E, § 1)

Note— Former § 602.310.

Sec. 602.402. - Activities of officers and employees in matters affecting City.

(a) It shall be a violation of this Chapter for an officer or employee of the City or an independent agency, otherwise than in the proper discharge of his or her official duties:

(1) To act as agent or attorney for prosecuting any claim against the City or an independent agency, or to receive any gratuity or any share of or interest in any claim against the City or an independent agency, in consideration of assistance in the prosecution of the claim;

(2) To act as agent or attorney for anyone before any unit of government in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter in which the City or an independent agency is a party or has a direct and substantial interest;

(3) To act as agent or attorney for anyone before any unit of government in connection with a proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge or other particular matter with respect to which he or she, or a unit of government of which he or she is a member, has acted upon in an official capacity either before or concurrently with his or her acting as agent or attorney.

(4) To testify as an expert witness in any proceeding before any body or court over the objection of the City or an independent agency.

(b) Nothing in this Section shall prevent an officer or employee of the City or an independent agency, if not inconsistent with the faithful performance of his or her duties, from acting without compensation as agent or attorney for a person who is the subject of disciplinary or other personnel administrative proceedings in connection with those proceedings.

(c) Nothing in this Section shall prevent an officer or employee of the City or an independent agency from acting, with or without compensation, as agent or attorney for his or her parents, spouse, child or any person for whom, or for any estate for which, he or she is serving as personal representative except in those matters in which he or she has participated personally and substantially as an officer or employee of the City or an independent agency, through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which are the subject of his or her official responsibility; provided, that the official responsible for appointment to his or her position approves.

(d) Other than the restrictions in paragraph (a)(4) above, nothing in this Section shall prevent an officer or employee of the City or an independent agency from giving testimony under oath or from making statements required to be made under penalty for perjury or contempt.

(e) It shall be a violation of this Chapter for any person, who is a partner of an officer or employee of the City or an independent agency, knowingly to act as agent or attorney for anyone other than the City or an independent agency in connection with any administrative or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter involving a specific party or parties in which the City or an independent agency is a party or has a direct and substantial interest and in which the officer or employee of the City or an independent agency participates or has

participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of his or her official responsibility.

(f) The provisions in subsection (a)(1), (2), (3), and (4) do not apply to advisory body officials.

(Ord. 97-890-E, § 1; Ord. 2011-232-E, § 3; Ord. 2014-457-E, § 1)

Note— Former § 602.401.

Sec. 602.403. - Moonlighting provisions.

(a) No employee of the City shall have any other employment if that employment could reasonably be expected to impair independence in judgment or performance of City duties;

(b) No employee of the City shall have any interest, financial or otherwise, direct or indirect, or engage in any business or activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest.

(c) All full-time compensated officers or employees of the City shall disclose any private, non-City employment upon obtaining said employment or upon becoming an officer or employee, whichever occurs first.

(d) All full-time compensated City officers or employees shall file the disclosure required in subsection (c) above with the City Ethics Office, copy to the City's Human Resources Chief and the officer or employee's department head, on a form approved by the Ethics Office.

(e) All full-time compensated officers or employees of the City shall file an updated disclosure form whenever any of the information required by the form changes.

(f) All appointed employees, except for those employees appointed by City Council, while full-time employees of the City, must obtain prior approval from the Mayor, or an individual designated by the Mayor, before accepting non-City employment or engaging in any work for an employer other than the City. All employees appointed by City Council, while full-time employees of the Council, must obtain prior approval from the Council President, or an individual designated by the Council President, before accepting non-City employment or engaging in any work for an employer other than the City. All employees appointed by a Constitutional Officer, while full-time

employees of the Constitutional Officer, must obtain prior approval from the Constitutional Officer, or an individual designated by the Constitutional Officer, before accepting non-City employment or engaging in any work for an employer other than the City. A registry of appointed persons working non-City employment shall be maintained by the Constitutional Officers, the Mayor, and the Council Secretary or their designees; and shall be published on the City website, showing the employee, the outside employment, and the number of hours spent per year on such employment.

(g) It shall be a violation of this Chapter for any officer or employee of the City to violate any of the provisions of this Section.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2014-457-E, § 1)

Sec. 602.404. - Soliciting future employment or compensation.

(a) No employee of the City shall accept or solicit any other employment, if the employment could reasonably be expected to impair independence in judgment or performance of City duties;

(b) No employee of the City shall solicit or accept compensation for any other employment, which compensation is to be paid while still an employee of the City, if the compensation could reasonably be expected to impair independence in judgment or performance of City duties.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2011-232-E, § 3)

Sec. 602.405 - Responsibility of contracts with former employer prohibited.

For a period of two years from ceasing employment with a former employer, no employee of the City shall negotiate, supervise or manage a contract with the employee's former employer.

(Ord. 2007-329-E, § 3)

Editor's note— Ord. 2007-329-E, § 3, amended the Code by repealing former § 602.405, and adding a new § 602.405. Former § 602.405 pertained to disclosure of noncity employment, and derived from Ord. 97-890-E, § 1.

Sec. 602.406. - Public official bid and contract disclosure.

(a)

A public official of the City or an independent agency, who knows that he or she has a financial interest in a bid to be submitted to their own agency or contract with their own agency, shall make disclosure in writing to the Procurement Division or using agency, whichever is receiving or has received the bid contract, (i) at the time that the bid or contract is submitted or subsequently no later than the close of the second, full, regular work day after the bid or contract is submitted (not including the day that the bid is submitted or any Saturday, Sunday or City holiday), or (ii) prior to or at the time that the public official acquires a financial interest in the bid or contract and such disclosure shall include but not be limited to the following: the bid number, the name of the public official and his or her public office or position, the name and address of the business entity in which the public official has a financial interest, and the position or relationship of the public official with that business entity.

(b) It shall be a violation of this Chapter for a public official of the City or an independent agency, to fail or refuse to make the disclosure required in subsection (a) of this Section.

(c) For purposes of this Section, bid means any telephone or written bid, written proposal, written quote or written offering of any kind or description whatsoever submitted for the purpose of being awarded or entering into a contract, purchase agreement, sales transaction, or other contractual agreement with the City under the provisions of the Procurement Code, Section 126.110, Ordinance Code, or with an independent agency of the City under its procurement code.

(d) For purposes of this Section, contract means any contract, agreement, purchase order or other document used to evidence the existence of a purchase or sales transaction under the provisions of the Procurement Code, Chapter 126, Ordinance Code, or with an independent agency under its procurement code, or any subsequent change order or amendment to any such contract document.

(e) For purposes of this Section public official means any one or more individuals who have been elected to any state or local office and which office has a geographical jurisdiction or description covering all of, more than but including all or a portion of, or less than but including a portion of, Duval County, Florida, any one or more individuals who have been appointed to the governing body of any independent agency of the City, or an appointed employee of the City.

(f)

For purposes of this Section, financial interest means any ownership interest of a public official in any proposer, bidder, contractor, or first tier subcontractor (that is, a person or business entity under contract to provide or providing capital improvement services, professional design services, professional services, labor, materials, supplies or equipment directly to the proposer, bidder, or contractor) whereby the public official knows that he or she has received or will receive any financial gain resulting from or in connection with the soliciting, procuring, awarding, or making of a bid or contract; provided, however, financial interest shall not include any interest in any increase in value of, or dividends paid on, any stock which is publicly traded on any public stock exchange.

(g) The City, independent agency, or using agency, as the case may be, acting by and through its awarding authority may: (i) nullify and terminate the purchase and sales transaction and any contract arising from or in connection with any bid or contract involving failure or refusal to disclose a financial interest of a public official as described in this Section; (ii) declare the same null and void.

(h) In addition to all other penalties described herein, any person or company that violates this Part shall be subject to withholding of payments under the contract, termination of the contract for breach, contract penalties, decertification and/or being debarred from or deemed nonresponsive to future City solicitations and contracts for up to three years (for less egregious violations, as determined by the Chief, a period of probation may be proposed, any violations during which period will result in debarment of no less than three years).For purposes of this Chapter, the words and phrases defined in this Section shall have the following meanings:

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2008-839-E, § 3; Ord. 2011-232-E, § 3; Ord. 2014-457-E, § 1)

Note— Former § 602.453.

Sec. 602.407. - Obstruction of proceedings by City officers or employees.

It is a violation of this Chapter for an officer or employee of the City to:

(a) Corruptly, or by threat of force, or by any intimidating letter or communication, to endeavor to influence, intimidate or impede any witness in any proceeding pending before any City agency or in connection with any inquiry or investigation being had by a City agency.

However, this subsection is not intended to prevent the normal information gathering and witness interviewing process associated with the preparation for any filing, hearing, or trial.

(b) With intent to avoid, evade, prevent or obstruct compliance in whole or in part with any investigative demand duly and properly made under any law or rule made pursuant to law, wilfully to remove from any place, conceal, destroy, mutilate, alter or by other means falsify any documentary material which is the subject of the demand.

(c) Corruptly, or by threat of force, or by any intimidating letter or communication, to influence, obstruct or impede or to endeavor to influence, obstruct or impede the due and proper administration of the law in any proceeding before any City agency or in connection with any inquiry or investigation being had by any City agency.

(d) Intentionally to disrupt, obstruct or impede or to endeavor to disrupt, obstruct or impede the conduct of any public meeting of any City agency.

(e) Intentionally to do any act or attempt to do any act which any reasonable person would know would disrupt, obstruct or impede the conduct of any public meeting before any City agency.

(f) To refuse to comply with the directives, requests or orders of any presiding officer of any public meeting of any City agency.

(g) Intentionally do or act or attempt to do any act which any reasonable person would know would prevent any person from appearing or speaking before any City agency at any public meeting.

(h) Intentionally refusing, after warning, to obey the rules of decorum before any City agency at any public meeting.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2011-232-E, § 3; Ord. 2014-457-E, § 1)

Note— Former § 602.507.

Secs. 602.408—602.410. - Reserved.

Editor's note— Ord. 2007-329-E, § 3, amended the Code by repealing former § 602.408 in its entirety. Former § 602.408 pertained to approval required for noncity employment performed by appointed employees, and derived from Ord. 97-890-E, § 1. Former §§ 602.409 and 602.410 have been renumbered as §§ 602.1210 and 602.1211, respectively, by Ord. 2011-232-E, § 3.

Sec. 602.411. - Disqualification of former officers and employees in matters connected with former duties or official responsibilities; disqualification of partners.

(a) It shall be a violation of this Chapter for any person, who was an officer or employee of the City or an independent agency, after his or her employment has ceased, knowingly to act as agent or attorney for anyone other than the City or an independent agency in connection with any administrative or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter involving a specific party or parties in which the City or an independent agency is a party or has a direct and substantial interest and in which he or she participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise while employed by the City or an independent agency.

(b) It shall be a violation of this Chapter for any person, who was an officer or employee of the City or an independent agency, after his or her employment has ceased, to appear personally before any unit of government as agent or attorney for anyone other than the City or an independent agency in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter involving a specific party or parties in which the City or an independent agency is a party or has a direct and substantial interest and which was under his or her official responsibility as an officer or employee of the City or an independent agency at any time within a period of one year prior to the termination of his or her responsibility.

(c) Nothing in subsection (a) or (b) shall prevent a former officer or employee of the City or an independent agency with professional, scientific or technological qualifications, from acting as agent or attorney or from appearing personally in connection with a particular matter in a professional, scientific or technological field if the head of the

unit of government concerned with the matter shall certify in writing that the public interest would be served by the action or appearance by the former officer or employee.

(Ord. 97-890-E, § 1; Ord. 2011-232-E, § 2; Ord. 2014-457-E, § 1)

Note— Former § 602.402.

Sec. 602.412. - Prohibited future employment.

It shall be a violation of this Chapter for any person, who was an officer or employee of the City or an independent agency, after his or her employment has ceased, to be employed by or enter into any contract for personal services, with a person or company who contracted with, or had a contractual relationship with the City or the independent agency, while the contract is active or being completed, or within two years of the cessation, completion, or termination of the person's or company's contractual relationship with the City or the independent agency, where (1) the contract with the City or the independent agency had a value that exceeded $250,000, and (2) the officer or employee had a substantial and decision-making role in securing or negotiating the contract or contractual relationship, or in the approval of financial submissions or draws in accordance with the terms of the contract; except that this prohibition shall not apply to an employee whose role is merely as a review signatory, or to contracts entered into prior to January 1, 2008, or to contracts that have been competitively procured. With respect to this subsection a contract is competitively procured if it has been obtained through a sealed low bid award. A "substantial and decision-making role" shall include duties and/or responsibilities that are collectively associated with: (i) approving solicitation or payment documents; (ii) evaluating formal bids and proposals; and (iii) approving and/or issuing award recommendations for final mayoral, City Council, or independent agency approval. The contract of any person or business entity who hires or contracts for services with any officer or employee prohibited from entering into said relationship shall be voidable at the pleasure of the City or independent agency. This prohibition shall not apply to any former officer or employee after two years from cessation from City or independent agency employment. An officer or employee subject to the prohibition of this Section who believes his or her role in the applicable contract does not create an ethical dilemma, may appeal to a committee of the City Council Rules Chair, the Chairperson of the Ethics Commission, and the Chief of Procurement for relief from this Section. Said appeal shall be considered and ruled upon within ten business days of a written request.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2014-457-E, § 1)

Note— Former § 602.404(c).

SUBPART B. - RESERVED[2]

Secs. 602.450—602.455. - Reserved.

PART 5. - WHISTLEBLOWER PROTECTION

Sec. 602.501. - Legislative Findings and Purpose.

The City Council finds that it is in the best interests of the consolidated government of the City of Jacksonville, its constitutional officers and independent agencies to ensure that employees who have knowledge of unlawful activity, misfeasance or malfeasance by the City or its independent contractors report such knowledge to the appropriate authorities for investigation and corrective action. In order to encourage employees to report such information without fear of reprisal, it shall be the policy of the consolidated government of the City of Jacksonville to prohibit adverse action against an employee who has been properly designated as a whistleblower for disclosing such information to an appropriate official or agency.

Recognizing that the State of Florida has adopted its own Whistleblower's Act, F.S. §§ 112.3187, et seq. (1993) and that the State Act provides for the adoption of local procedures for administrative enforcement, the City Council intends that this Part be interpreted consistently with the State Act, as it may from time to time be amended.

(Ord. 2013-287-E, § 1)

Sec. 602.502. - Definitions.

As used in this Part:

(1) *City* shall include all departments and agencies of the consolidated government of the City of Jacksonville, its constitutional officers and independent agencies and districts.

(2)

Complainant shall mean a person who submits a written complaint to a Whistleblower Official containing allegations consistent with the requirements of Section 602.504. A complainant is not a whistleblower until designated an official whistleblower pursuant to Section 602.505(1), Ordinance Code.

(3) *Employee* shall mean a person who performs services for, and under the control and direction of, or who contracts with, the City for wages or other remuneration.

(4) *Independent Agencies* shall include, Jacksonville Aviation Authority, JEA, Jacksonville Housing Authority, Jacksonville Port Authority and Jacksonville Transportation Authority.

(5) *Local Government Authority,* as referenced in F.S. § 112.3187(8)(b), as amended from time to time, shall be designated for this Part to be the Executive Officer of the City or the Independent Authority as applicable to the employee.

(6) *Whistleblower Official* shall mean the Inspector General's Office. For the purposes of this part, and pursuant to F.S. § 112.3187(6), the Inspector General's Office shall be the designated appropriate local official.

(7) All other words or terms used in this Part shall have the same meaning as such words and terms have under the State Whistleblower's Act, F.S. § 112.3187, as may be amended from time to time.

(Ord. 2013-287-E, § 1; Ord. 2015-234-E , § 1)

Sec. 602.503. - Actions Prohibited.

(1) The City shall not dismiss, discipline, or take any other adverse personnel action against an employee for disclosing information pursuant to the provisions of this Part.

(2) The City shall not take any adverse action that affects the rights or interests of an employee designated as a whistleblower in retaliation for the employee's disclosure of information under this Part.

(3) The provisions of this Part shall not be applicable when an employee discloses information known by the employee to be false.

(Ord. 2013-287-E, § 1)

Sec. 602.504. - Nature of Information Disclosed.

The information disclosed under this Part must be in writing and allege one of the following:

(1) Any violation or suspected violation of any federal, state or local law, rule or regulation committed by an employee or agent of the City or an independent contractor which creates and presents a substantial and specific danger to the public's health, safety or welfare; or

(2) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee or agent of the City or an independent contractor, pursuant to F.S. § 112.3188.

(Ord. 2013-287-E, § 1)

Sec. 602.505. - To Whom Information Disclosed and Process to Designate Status of Whistleblower.

(1) The information disclosed in writing under this Part must be disclosed to a Whistleblower Official. An employee who discloses such information and is officially designated as a whistleblower, pursuant to F.S. § 112.3187, Florida Statutes, shall be entitled to the full protection of this Part and to the remedies and awards it provides.

(2) Upon receipt of the written complaint, the Whistleblower Official shall determine whether the employee is a whistleblower pursuant to F.S. § 112.3189, as may be amended from time to time.

(3) Pursuant to F.S. § 112.3188, as may be amended from time to time, the name and identity of the designated whistleblower shall remain confidential, unless the whistleblower waives this confidentiality; the Inspector General's Office shall establish procedures to safeguard the identities of these designated whistleblowers.

(4) The Whistleblower Official shall also establish an investigative plan considering the factors found in F.S. § 112.3189, as may be amended from time to time. The information may be forwarded to the State Attorney's Office, the appropriate human resources personnel, the Ethics Commission (if any ethics code violation may have occurred), or any other appropriate agency. Prior to forwarding the information, the name and identity of the whistleblower shall be redacted.

(5)

When the investigation is complete, the report shall be forwarded to the complainant who has been officially designated as a whistleblower for any comments. The report is then a public record, but the identity of the whistleblower shall always remain confidential, per F.S. § 112.3188.

(6) If the Whistleblower Official does not designate a complainant as a whistleblower, all documents shall be returned to the complainant with a statement as to why the complainant was not so designated and with an explanation that the complainant is not designated as a whistleblower and cannot rely on the provision of law in this Part.

(Ord. 2013-287-E, § 1; Ord. 2015-234-E, § 1)

Sec. 602.506. - Employees and Persons Protected.

(1) This Part protects employees and persons designated official whistleblower pursuant to Section 602.505(1), Ordinance Code, who disclose information on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing, or other inquiry conducted by the City, or by any state agency or federal government entity having the authority to investigate, police, manage, or otherwise remedy the violation or act; who refuse to participate in any adverse action prohibited by this Part; or who are otherwise protected by the State Whistleblower's Act. The provisions of this Part may not be used by employees while they are under the care, custody, or control of the state or county correctional system, or after their release from the care, custody or control of the state or county correctional system, with respect to circumstances that occurred during any period of incarceration.

(2) No remedy or other protection under this Part applies to any person who has committed or intentionally participated in committing a violation or suspected violation for which protection under this Part is being sought.

(3) It shall be an affirmative defense to any complaint brought pursuant to this Part that the adverse personnel action was predicated upon grounds other than, and would have been taken absent, the employee's exercise of rights protected by this Part.

(Ord. 2013-287-E, § 1)

Sec. 602.507. - Remedies.

(1)

If a disclosure under this section results in alleged retaliation by an employer, as defined by § 602.503, Ordinance Code, the whistleblower may file a written complaint within 60 days after the retaliatory action prohibited by this section is alleged to have occurred. The complaint shall be filed with the Whistleblower Official who shall then acknowledge its receipt within five days.

(2) The Whistleblower Official shall forward the complaint to the Civil Service Board to determine whether any retaliatory action has taken place. The Civil Service Board shall make finding of facts, conclusion of law and recommendations.

(3) The Civil Service Board shall forward its finding of facts, conclusion of law and recommendations to the appropriate Local Government Authority as defined in Section 602.502(5), Ordinance Code, for a final decision by the Local Government Authority.

(4) Within 180 days after the entry of a final decision by the Local Government Authority, the employee may bring a civil action in any court of competent jurisdiction.

(Ord. 2013-287-E, § 1)

Sec. 602.508. - Relief.

In any case brought under this Part the relief must consider all remedies pursuant to F.S. § 112.3187(9).

(Ord. 2013-287-E, § 1)

Sec. 602.509. - Reporting Employee's Award Program.

For the purposes of this section, and in addition to the definition contained in Section 602.502 (3), "employee" shall also mean a person who performs work for, and under the control and direction of, any business, corporation or other entity under contract with the City for the provision of any good or service.

Provided that an application is filed within six months from the date of the final report of the Whistleblower Official, an employee who has been designated an official whistleblower and who reported information pursuant to this Part which results in the City's recovery of public funds in excess of net $50,000 shall be eligible to receive an award up to ten percent of the net amount recovered not to exceed $100,000.00. The precise amount of any such award shall be set by the City Council in accordance with the following procedure: The President of the City Council shall

form a committee of three persons, including at least two Council Members, who shall conduct a hearing for the purpose of recommending to the Council whether an award should be granted and the amount of any such award. The committee's recommendation shall include consideration of:

(1) The significance of the information revealed to the City;

(2) The likelihood that the City would have learned of the information if the employee had not reported it; and

(3) If the information was reported by more than one employee, whether and how the award should be apportioned.

The committee's written recommendation shall be submitted to the full City Council whose decision as to whether an award should be granted and the amount thereof shall be final.

(Ord. 2013-287-E, § 1)

Sec. 602.510. - Existing Rights.

This Part shall not be construed to diminish the rights, privileges or remedies of any employee under any other law or rule or under any collective bargaining agreement or employment contract; however, the election of remedies provided by F.S. § 447.401 shall also apply to complaints under this Part.

(Ord. 2013-287-E, § 1)

Sec. 602.511. - Rules and Procedures.

The Inspector General's Office is authorized to promulgate such rules and procedures and written forms necessary to effectuate the intent of this part.

(Ord. 2013-287-E, § 1; Ord. 2015-234-E , § 1)

PART 6. - OFFICE OF ETHICS, COMPLIANCE AND OVERSIGHT

SUBPART A. - CREATION AND ORGANIZATION

Sec. 602.611. - Office of Ethics, Compliance and Oversight; Creation.

(a) There is hereby created, pursuant to Section 1.203 of the Charter of the City of Jacksonville, the Office of Ethics, Compliance and Oversight, the purpose of which is to coordinate and handle Citywide ethics training, compliance, and oversight issues. In furtherance of the above, the Office shall ensure the investigation of all situations involving fraud, waste, corruption and conflicts of interest by City Officials and employees, and to staff the Jacksonville Ethics Commission. The organization and administration of the office shall be independent to assure that no external interference or influence adversely affects the independence and objectivity of the office.

(b) The Office of Ethics, Compliance and Oversight is an independent office which is:

(1) Independently budgeted and accounted for; and

(2) Whose executive director is appointed by the Jacksonville Ethics Commission subject to Council confirmation; and

(3) Whose budget is recommended to the Mayor by the Director of the Office of Ethics, Compliance and Oversight and approved by Council.

(Ord. 2011-197-E, § 1; Ord. 2012-85-E, § 5)

Sec. 602.612. - Organization.

(a) *Staffing.*

(1) *General staffing.* The Office of Ethics, Compliance and Oversight shall be staffed, at the discretion of the Ethics Commission, and subject to available funding, with a director and such other executive positions approved by Council, each of whom must be knowledgeable and experienced in management, leadership, auditing, oversight, investigation, training, contract administration, and clerical functions deemed necessary to the proper functioning of the office.

(2) *Director.*

(i) *Appointment.* The director of the Office of Ethics, Compliance and Oversight shall be a registered Duval County voter at the time of hire, or shall relocate to Duval County within six (6) months of hire, and shall be appointed for a term of three (3) years by the Jacksonville Ethics Commission, and the appointment shall be confirmed by Council. The Director shall be exempt from civil service.

(ii) *Separation.* The director may be separated from employment by the Jacksonville Ethics Commission before the completion of his or her term for cause, which shall include misfeasance, malfeasance, or conduct unbecoming or detrimental to the performance of his or her position or the integrity of the Office of Ethics, Compliance and Oversight. Separation shall only be effected at a public meeting, and only after the employee has been provided a minimum of 60 business days written notice of the basis for cause and has been provided an opportunity to be informally heard at the public meeting. The 60-day written notice shall be reduced to 15 days written notice in the event of the director's arrest for a felony.

(iii) *Vacancy.* In the event of a director vacancy, the position shall be filled temporarily by a non-confirmed appointment by the Ethics Commission for a period not to exceed 180 days, and then as provided for in subsection (i) above.

(3) *Volunteers.* The Director may utilize the services of such volunteer personnel who have agreed to perform services without compensation, in accordance with the volunteer policies of the Division of Human Resources. Such volunteer personnel shall act with such authority as granted by the Ethics Commission.

(b) *Administrative support.*

(1) *Additional staffing.* The Director of the Office of Ethics, Compliance and Oversight shall have the power to appoint, employ, and remove such other personnel as is deemed necessary for the efficient and effective administration of the activities of the office, subject to the budget approval of City Council. All such appointees shall serve at the pleasure of the Director and shall be exempt from civil service.

(2) *Supplemental support.* To the extent that additional support is necessary beyond that which is funded by Council, administrative support shall be provided by the Office of General Counsel, and investigative support shall be provided both by the Council Auditor's Office and the Office of General Counsel, all at the request of the Ethics Commission.

(3)

Legal Support. Pursuant to the Charter, the Office of General Counsel shall provide legal services to the Office of Ethics, Compliance and Oversight. Recognizing that legal conflicts may present themselves from time to time, special counsel may be retained in accordance with Section 108.505 Ordinance Code.

(c) *Qualifications.* The Executive Director shall have a bachelor's degree or higher from an accredited college or university, with a preference for an advanced degree in applied ethics, law, or public administration; at least ten years experience in related activities such as administration of an ethics office or activity, ethics related legal work, criminal justice administration; and administrative experience.

(Ord. 2011-197-E, § 1)

SUBPART B. - DUTIES

Sec. 602.621. - Duties.

The Office of Ethics, Compliance and Oversight, through its executive officials, shall have authority to:

(a) Encourage compliance with the spirit and letter of ethics laws, and provide advice and training to departments and agencies;

(b) Develop policies, programs and strategies to deal with all ethics-related matters;

(c) Develop training and education programs with assistance of the General Counsel and City training personnel;

(d) Organize a Citywide Ethics Coordination Council with one representative each from the executive branch, the legislative branch, each constitutional officer and each independent agency, with the purpose of avoiding duplication of ethics resources, sharing best practices and training, evaluating risk areas and devising plans to eliminate any City fraud, waste or corruption;

(e) Review periodically this Code and other applicable laws and regulations and recommend appropriate changes to this Code;

(f) Administer a confidential "Hotline" for the discovery of government waste, fraud, and ethics violations;

(g) Respond to requests for assistance from all public officers and employees subject to this Ethics Code;

(h) Act as the executive officer of the Jacksonville Ethics Commission, responsible for its administration and operation;

(i) Work with the human resources and procurement offices and other appropriate divisions to integrate ethics into procurement, hiring, retention and promotion policies of the executive branch of the City and to share these practices with the Ethics Coordination Council;

(j) Lead, direct, and be responsible for the development of the Citywide ethics plan and report to be created by the Ethics Coordination Council;

(k) Investigate, review and report on City issues, and past, present and proposed programs, activities, accounts, records, contracts and transactions all as related to the prevention and remediation of conflicts of interest, fraud, waste, and corruption;

(l) Request and obtain data relevant to its authorized investigations and to receive full access to the records of all elected and appointed City Officials and employees, and departments, divisions, agencies and contractors and other persons and entities doing business with the City and/or receiving City funds, that is not otherwise deemed confidential by law, regarding any such contracts or transactions with the City. All elected and appointed City and county officials and employees, and contractors and other parties doing business with the City and/or receiving City funds shall fully cooperate with the Office of Ethics, Compliance and Oversight.

(m) Where possible violations of any state, federal or local law are suspected, to notify the appropriate civil, criminal or administrative agencies, and assist those agencies as appropriate. In the case of a possible violation of a human resource rule, regulation or policy governing a City employee, the official shall also notify the City administrator and the head of the department for which the employee works, unless to do so would otherwise jeopardize an ongoing investigation.

(n) Personnel within the office shall not interfere with any ongoing criminal investigation or prosecution of the state attorney or the U.S. Attorney for the Middle District of Florida. When the state attorney or the U.S. Attorney

for the Middle District of Florida has explicitly notified the office in writing that the investigation is interfering with an ongoing criminal investigation or prosecution, then all investigative activities shall be suspended.

(o) Respond to requests for assistance from all public officers subject to this Ethics Code.

(Ord. 2011-197-E, § 1)

Sec. 602.622 - Department/Independent Agency Ethics Officers.

(a) The Mayor, the Council President, each constitutional officer, and each executive director of the independent agencies of the City shall designate one of their employees as an "Ethics Officer." Each Ethics Officer's duties are in addition to his or her principal operational role unless there is an approved budget for a separate position dealing exclusively with ethics and oversight functions. Specific responsibilities assigned to these Ethics Officers include, but are not limited to the following:

(1) Conduct periodic meetings with senior management, boards and employee groups to assess risk areas and to provide advice on ethics issues and to work to instill an ethical culture in their agency;

(2) Assist their department head or senior management in the development of an overall internal ethics plan;

(3) Participate in a Citywide Ethics Coordination Council, which shall identify risks, recommend programs to implement national best practices to combat fraud, waste and corruption, and provide department and agency reports to be included in the Citywide ethics.

(4) Assist in the receipt of ethics, fraud, waste, and corruption complaints from employees and the general public, and to assure that such complaints and information are directed to an appropriate authority, in a manner that best protects the complaining parties. When an Ethics Officer is in doubt about the relief available within a chain of command, or the consequences of reporting within the chain of command, the Ethics Officer shall have a duty to report complaints to the Director of the Office of Ethics, Compliance and Oversight.

(b)

In addition to those Ethics Officers set forth in subsection (a) above, there may be appointed within the executive branch additional department ethics officers (DEOs) to assist the Ethics Officer in the duties required by this section at the department or division level. These duties shall be in addition to the principal operational role of the department ethics officer.

(Ord. 2011-197-E, § 1)

Sec. 602.623. - Confidentiality/Whistleblowing.

(a) It is the policy of the City that employees, ethics officers, administrators, complainants, whistleblowers and innocent parties shall be protected to the maximum extent of the law.

(b) All records of complaints and investigations shall remain confidential to the extent authorized by F.S. 112.3188 (2) and any other state law so applicable.

(c) In furtherance of the City policy set forth herein, the director and such authorized personnel in the Office of Ethics, Compliance and Oversight are deemed "safe havens" and whistleblower report-to authorities for the receipt of information and complaints related to ethics, waste, fraud, and corruption. A complainant or ethics officer shall not be penalized or retaliated against in any way for disclosing information to the Office of Ethics, Compliance and Oversight. The director shall take all such action as is appropriate under the circumstances to address the allegations disclosed to them.

(Ord. 2011-197-E, § 1)

Sec. 602.624. - Reporting of violations by Council Auditor.

The Council Auditor, in addition to the reporting requirements of Section 102.103, Ordinance Code, shall, when he or she has reasonable grounds to believe that a violation of the City's Ethics Code has occurred, report the facts relating to the probable violation in writing to the General Counsel and the City's Director of Ethics, Compliance, and Oversight.

(Ord. 2012-85-E, § 5)

SUBPART C. - INDEPENDENT AUTHORITIES

Sec. 602.631. - Investigations related to officers and employees of independent agencies.

In accordance with section 1.202 of the Charter, officers and employees of independent agencies are subject to the jurisdiction of the Ethics Code. The Office of Ethics, Compliance and Oversight shall defer handling any investigations when the applicable independent agency has an established ethics program with investigatory functions and is appropriately undertaking the investigation. Nothing contained herein shall limit an independent agency from seeking cooperation and assistance from the Office of Ethics, Compliance and Oversight and such assistance being provided.

(Ord. 2011-197-E, § 1)

PART 7. - GIFTS AND HONORARIA

Sec. 602.701. - Prohibited receipt of gifts.

(a) No officer or employee of the City or of an independent agency, or any other person on his or her behalf, shall knowingly accept, directly or indirectly, any one gift with a value greater than $100 or an accumulation of gifts in any one calendar year that exceeds $250 from any person or business entity that the recipient knows is:

(1) A lobbyist who lobbies the recipient's agency or executive department;

(2) Any principal or employer of a lobbyist who lobbies the recipient's agency or executive department;

(3) A person or business entity which is doing business with, or has made written application within the previous six months, to do business with an agency of which he or she is an officer or employee;

(4) A person or business entity which is subject to the permit approval of an agency of which he or she is an officer or employee.

For purposes of the $250 annual accumulation of gifts, gifts of food and beverage not exceeding $25 on any given day shall not be included.

(b) No officer or employee of the City or of an independent agency, or any other person on his or her behalf, shall knowingly accept, directly or indirectly, any one gift with a value greater than $100, or an accumulation of gifts in any one calendar year that exceeds $250 dollars, from any person or business entity, when the gift is given as a result of the officer or employee's official position, or as a result of the business

relationship developed as a result of the officer or employee's position or employment. For purposes of the $250 annual accumulation of gifts, gifts of food and beverage not exceeding $25 on any given day shall not be included.

(c) The Mayor and the Council Secretary shall identify a mayoral and a council representative who will be officers or employees responsible for the receipt of and distribution of business-related gifts to the City through its executive and legislative branches. The chief executive officer of an independent agency shall identify a designee or designees who will be officers or employees responsible for the receipt of and distribution of business-related gifts to the independent agency. Registries shall be established wherein gifts will be identified by date, donor, type, purpose, and City or independent agency officer or employee carrying out the purpose; and shall be posted on a City or independent agency internet site within 90 days of receipt of the gift. (Examples of gifts covered by this subsection include, but are not limited to, tickets or travel to events where City or independent agency official or employee presence is requested, or travel and per diem to inspect products and equipment, or gifts of personal property to the City or independent agency.)

(d) It shall be a violation of this Chapter for any officer or employee of the City or an independent agency, or any person on his or her behalf, to violate subsections (a) and (b) of this Section.

(Ord. 97-890-E, § 1; Ord. 2002-117-E, § 1; Ord. 2007-329-E, § 3; Ord. 2008-839-E, § 4; Ord. 2014-233-E, § 1; Ord. 2014-457-E, § 1)

Sec. 602.702. - Prohibited offering of gifts.

It is a violation of this Chapter for a lobbyist, or principal or employer of a lobbyist, or any person or entity listed in Section 602.701, to knowingly offer a gift to an officer or employee of the City or an independent agency which would cause a violation of Section 602.701 if accepted.

(Ord. 97-890-E, § 1; Ord. No. 2002-117-E, § 1; Ord. 2008-839-E, § 4; Ord. 2014-457-E, § 1)

Sec. 602.703. - Receipt or charge of commissions or gifts for official transactions.

(a) It shall be a violation of this Chapter for an officer or employee of the City or an independent agency to charge, be the beneficiary of or receive, directly or indirectly, any fee, commission, gift, gratuity, loan or other consideration for or in connection with any transaction or business done, performed or rendered in the course of his or

her official duties and responsibilities. This prohibition is not intended to prohibit inconsequential food or flower gifts delivered to the worksite at holidays, or in appreciation for courtesy and efficiency.

(b) In addition to any penalty prescribed by law, the City or an independent agency shall be entitled to recover from the officer or employee the amount of the fee, commission, gift, gratuity, loan or other consideration. This recovery may be imposed as a fine by the court adjudicating the person guilty or in a civil action in the name of the City or an independent agency.

(c) This Section shall not apply to officers or employees who are entitled by law to receive a fee or commission for their services.

(d) An employee who receives a gift under circumstances which are unauthorized in accordance with this Section, shall return the gift to the sender. If the gift is of food or flowers wherein it is infeasible to return, shall place the gift in a location wherein it can be enjoyed by a larger group of employees or donated to an appropriate non-profit organization in the name of the sender, with notice thereof to the donor. An employee handling a gift in accordance with this subsection shall not be deemed as having committed a violation.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2011-232-E, § 3; Ord. 2014-457-E, § 1)

Note— Former § 602.303.

Sec. 602.704. - Honoraria.

(a) A reporting individual is prohibited from soliciting an honorarium which is related to the reporting individual's public office or duties.

(b) A reporting individual is prohibited from knowingly accepting an honorarium from a political committee or committee of continuous existence, as defined in F.S. § 106.011, from a lobbyist or from the employer, principal, partner, or firm of such a lobbyist.

(c) A political committee of continuous existence, as defined in F.S. § 106.011, a lobbyist or the employer, principal, partner or firm of a lobbyist is prohibited from giving an honorarium to a reporting individual.

(d) A person who is prohibited by subsection (c) from paying an honorarium to a reporting individual but who provides a reporting individual or reporting individual and his or her spouse, with expenses related to an honorarium event, shall provide to the reporting individual, no later than 60 days after the honorarium event, a

statement listing the name and address of the person providing the expenses, a description of the expenses provided each day, and the total value of the expenses providing for the honorarium event.

(e) A reporting individual who receives payment or provision of expenses related to any honorarium event from a person who is prohibited by subsection (c) from paying an honorarium to a reporting individual shall publicly disclose on an annual statement the name, address, and affiliation of the person paying or providing the expenses; the amount of the honorarium expenses; the date of the honorarium event; a description of the date of the expenses paid or provided on each day of the honorarium event; and the total value of the expenses provided to the reporting individual in connection with the honorarium event. The annual statement of honorarium expenses shall be filed by July 1 of each year for such expenses received during the previous calendar year. The reporting individual shall attach to the annual statement a copy of each statement received by him or her in accordance with subsection (d) regarding honorarium expenses paid or provided during the calendar year for which the annual statement is filed. Such attached statement shall become a public record upon the filing of the annual report. The annual statement of a reporting individual shall be filed in compliance with state law. Where this Chapter requires a person to file a report and that person is not required to file a report pursuant to state law, the report shall be on a form which is substantially the same in content as that required by state law, and the form shall be submitted annually, by July 1, to the Human Resources Chief.

(Ord. 97-890-E, § 1)

Editor's note— Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

PART 8. - LOBBYING

Sec. 602.801. - Registration of lobbyists; registration statements.

(a) For purposes of the registration provisions of this Part, lobbying is defined as the attempt to influence the governmental decision making of an officer or employee of the City, or of an independent agency, or the attempt to encourage the passage,

defeat, or modification of any legislation, proposal or recommendation of the City or of an independent agency, or of an officer or employee of the City or of an independent agency. Lobbying shall not include the following:

(1) Legal or settlement discussions directed toward an attorney for the City or of an independent agency; or

(2) Participation in a quasi-judicial proceeding involving the City or an independent agency (except that all ex-parte communication to a decision maker or non-lawyer City or independent agency employee constitutes lobbying).

(b) Each person who lobbies, for compensation as a lobbyist, any officer or employee of the City, or of an independent agency, shall, prior to commencement of lobbying activities on any issue, register his or her name, the person or entity for which the lobbying is taking place (principal), and the purpose and issue for which the lobbying is taking place, with the City's Council Secretary. Registration may be for an annual period or for a lesser, stated period, but no person may lobby unless he or she is first registered. A person may register as a lobbyist on his or her own volition or he or she may be required by any officer or employee to register before he or she addresses such officer or employee if he or she is not already registered with the Council Secretary. The Council Secretary shall maintain a book in which the registration statements and oaths submitted by lobbyists shall be entered, together with corrections and amendments as herein authorized and required. If a person shall cease to be a lobbyist, his or her registration statement and oath shall be removed from the book of active lobbyists and shall be placed in a book of inactive or former lobbyists; but no person may have a registration statement and oath on file in both books.

(c) (1) When a person registers as a lobbyist, he or she shall file a registration statement and oath in the form developed from time to time by the Office of General Counsel, in consultation with the City Ethics Officer, the Council Secretary and the Ethics Commission. The Council Secretary, in consultation with the Office of General Counsel, is authorized to reject or strike non-conforming registrations. No person may commence or continue lobbying activity related to a rejected or stricken registration statement until such time as a corrected registration statement is submitted and accepted by the Council Secretary.

(2)

A registration statement may be corrected or amended at any time by the registrant by the submission of a subsequent registration statement and oath setting forth the correcting or additional information that the registrant wishes to place on file. A statement that the subsequent registration statement corrects or amends the previous registration statement shall be inserted in the body of the statement, above the lobbyist's signature, noting the substance of the correction or amendment. A registration statement shall be corrected or amended if any material fact concerning the purpose for which or persons on whose behalf the registrant filed the registration statement changes.

(3) A registration statement and oath that is not renewed by the end of the period for which it is filed shall expire and may not thereafter be relied upon by the lobbyist in support of lobbying activities.

(d) The following persons shall not be required to register as lobbyists:

(1) A public official, City or independent agency employee or salaried employee of a public agency acting in his or her official capacity or in connection with his or her job responsibilities or as authorized or permitted to lobby pursuant to a collective bargaining agreement;

(2) A person who only addresses the Council or independent agency board during the "public comment" portion of its meeting agenda;

(3) A person who appears at the specific request or under compulsion of the Council or a Council committee; or of the board or committee of the board of an independent agency;

(4) Expert witnesses and other persons who give factual testimony about a particular matter or measure, but do not advocate passage or defeat of the matter or measure or any amendment thereto;

(5) A person, not exempt under paragraphs (1) through (4) and otherwise meeting the definition of a lobbyist who received no compensation as a lobbyist;

(6) A Principal or an officer or employee of a principal who performs lobbying activities as part of his or her assigned duties.

(e) This section is limited to registration issues only, and nothing contained in this section shall be interpreted to limit the gift and honoraria solicitation and acceptance prohibitions set forth in Part 7 of this Chapter.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2008-470-E, § 2; Ord. 2008-839-E, § 5)

Sec. 602.802. - Restricted activities.

No information obtained from registration statements required by Section 602.801, Jacksonville Ordinance Code, or from lists compiled from such statements, shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. 97-890-E, § 1)

Sec. 602.803. - Fee disclosure.

A lobbyist who attempts to persuade or influence a Council Member, a Council committee, or the Council as a whole; or an independent agency board member, committee, or the independent agency as a whole; on any project, contract, development, ordinance, resolution, or agenda item, shall, prior to commencing lobbying efforts, file with the City's Council Secretary a disclosure revealing whether the lobbyist has a financial interest in the contract, development or project that extends beyond its approval, and the percent of that interest.

(Ord. 2007-329-E, § 3; Ord. 2008-839-E, § 5)

Editor's note— Ord. No. 2007-329-E, § 3, amended the Code by adding a new § 602.803, and renumbering former § 602.803 as a new § 602.804.

Sec. 602.804. - Penalties.

A person who, knowingly and willfully:

(a) Being at the time required to register as a lobbyist and not exempt from registration, fails or refuses to do so; or

(b) Having registered as a lobbyist, fails or refuses to properly file with the Council Secretary a corrected or amended registration statement when required by Section 602.801(c) to do so; or fails to disclose on the registration statement any information required by this Part;

(c) Continues to act as a lobbyist after the expiration of the period for which the registration statement was filed with the Council Secretary; or

(d) Commits, or procures or acquiesces in the commission of, any violation of

this Part;

shall be guilty of a class D offense against the City.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2008-470-E, § 2)

Note— See editor's note, § 602.803.

PART 9. - JACKSONVILLE ETHICS COMMISSION[3]

SUBPART A. - CREATION AND ORGANIZATION

Sec. 602.911. - Jacksonville Ethics Commission; Creation.

There is hereby created, pursuant to Section 1.202 of the Charter of the City of Jacksonville, the Jacksonville Ethics Commission, the purpose of which is to provide a local forum for consideration and investigation of ethical problems and issues.

(Ord. 2011-167-E, § 2)

Sec. 602.912. - Membership, terms, appointment.

(a) *Number; terms.* The Commission shall be composed of nine members each of whom shall be registered voters of Duval County for six months prior to the introduction of their nomination for confirmation, and who shall be appointed to serve for fixed January 1 to December 31 three-year terms. The terms of the members shall be so staggered that the terms of no more than three members shall expire in any one year. No person shall serve more than two consecutive full terms. If, because of a delay in appointment, a member serves less than two years during the term, then in that event, the term shall not have been considered a full term for purposes of reappointment. A member made ineligible by reason of service of two consecutive full terms may be appointed for another term following a waiting period of three years.

(b) *Qualifications.* Except as provided for in subsection (d) below, each member shall have one or more of the following qualifications: an attorney; a certified public accountant with forensic audit experience; a former elected official; a former judge; a higher education faculty member or former faculty member with experience in ethics; a former law enforcement official with experience in investigating public corruption; a

corporate official with a background in human resources or ethics; a former board member of a City of Jacksonville independent authority; a former government executive with ethics experience.

(c) *Limitations.*

(1) No member shall be an elected or appointed official, or an employee of the City of Jacksonville or any of its independent agencies, or of any governmental agency subject to the authority of the Commission. No member shall be an active judge, an assistant state attorney or assistant public defender, or an officer of a political party.

(2) Ethics Commission members shall not use their position in any manner that decreases public trust or gives the appearance of impropriety. The Ethics Commission shall establish internal operating rules or bylaws to effectuate this provision.

(3) Any Commission member who files to be a candidate for public office shall immediately resign from the Commission and their position shall be deemed vacant upon filing.

(4) No individual while a member of the Commission shall allow his or her name and title as a commission member to be used by a campaign in support of or against any candidate for public office. Nothing herein shall preclude a member from signing a petition in support of or against any referendum, ballot question or candidate. This rule does not prohibit any campaign contributions by a member, or a member supporting any candidate in his or her own name.

(d) *Selection.* Each of the following persons or entities shall make an appointment of one of six Commission members whose qualifications are set forth above, to wit: the Mayor, the President of the Council, the Sheriff, the Chief Judge for the Fourth Judicial Circuit, the State Attorney for the Fourth Judicial Circuit, and the Public Defender for the Fourth Judicial Circuit. Three Commission members whose only qualifications are that they have been registered voters in Duval County for six months prior to the introduction of their nomination for confirmation, shall be appointed by the Ethics Commission. All appointments should be made within 30 days of a vacancy occurring. All appointees shall be confirmed by Council but shall serve until Council confirmation or denial.

(Ord. 2011-167-E, § 2)

SUBPART B. - POWERS AND DUTIES

Sec. 602.921. - Duties and powers.

The Jacksonville Ethics Commission (Commission) shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided. The Commission shall be empowered to review, interpret, render advisory opinions and enforce Chapter 602, *Ordinance Code*; and, in accordance with Section 1.202 of the Charter, to exercise the following powers and duties:

(a) The Commission is authorized to receive, and to investigate and issue findings with regard to any sworn written complaint alleging a violation of this Chapter or by a complaint initiated by a minimum vote of six members of the Commission alleging a violation of this Chapter. All complaints and records shall be confidential as allowed by Section 112.324, Florida Statutes, or any other applicable state law. In support of this power, the Commission is authorized to establish an ethics "hotline" to receive tips and information, each of which shall be treated with confidentiality as authorized by Florida law. The General Counsel, with the assistance of all appropriate and available offices of the City, shall assist the Ethics Commission in the investigation of complaints. The Ethics Commission may refer matters brought to its attention to the State Attorneys' Office or the Florida Commission on Ethics if it determines jurisdiction is vested in, and action is more appropriate if taken by said agencies.

(b) Provide assistance and input into the management and coordination of the training and education of local officers and employees in state and local ethics, including the City's Ethics Education Program as set forth in Section 602.1001, as well as all public records and sunshine law training throughout the government.

(c) The Commission may, upon employee or citizen complaint, or upon its own initiative, seek information and gather facts for the purpose of reviewing any circumstance or situation of which the Commission may become aware that appears to violate or may potentially violate an acceptable standard of ethics conduct for City officers and employees as

delineated in Section 1.202(d) of the Charter. Based upon such review the Commission may make such recommendations to the Mayor and the Council as it deems appropriate;

(d) Have jurisdiction to levy those civil fines or penalties authorized in this Chapter 602 for violations of the City's ethics code;

(e) Act as the hiring committee, subject to Council confirmation, for the executive director of the Ethics Oversight and Compliance office.

(Ord. 2011-167-E, § 2)

SUBPART C. - PROCEDURES AND DUE PROCESS

Sec. 602.931. - Process for the imposition of sanctions and penalties.

In accordance with Section 602.921(d), and the Charter, the Commission shall perform the following duties in association with the enforcement of Chapter 602 and the imposition of sanctions and penalties including the imposition of public censures and civil penalties.

(a) The Commission shall establish and post rules and procedures to provide for the investigation of citizen, hotline, employee and self-initiated complaints of violations of Chapter 602.

(b) The Commission shall establish and post rules and procedures to provide for due process in the charging and prosecution of violations of Chapter 602.

(c) Meetings of the Commission exempted from the provisions of section 286.011 Florida Statutes, shall be recorded and such recording shall become public upon the conclusion of the investigatory matter, by either a finding of no probable cause to proceed or a final determination by the Commission.

(Ord. 2011-167-E, § 2)

Sec. 602.932. - Documents and testimony.

The Commission is authorized to exercise and utilize all procedures and processes available to City agencies, which are authorized by ordinance, the Charter, or Chapter 119, Florida Statutes, to secure the production of documents and testimonial evidence relevant to the investigation and

prosecution of complaints and charges authorized by this Chapter; except that, the issuance of a subpoena to compel the production of documents or testimony shall be authorized by a circuit or county judge of the Fourth Judicial Circuit upon a facial demonstration of the relevancy of the documentation or testimony to the enforcement of a provision of Chapter 602, Ordinance Code, the City of Jacksonville's Ethics Code.

(Ord. 2011-167-E, § 2)

Sec. 602.933. - Cooperation of other City agencies.

The services of other departments, boards and agencies of the City shall be made available to the Commission at its request, subject to their ability and capacity to provide them. Other City agencies shall cooperate with the Commission in the exercise of the Commission's responsibilities.

(Ord. 2011-167-E, § 2)

Sec. 602.934. - Dismissal of complaints.

Notwithstanding any other provisions of this Part, the Commission may, at its discretion: (a) dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, or (b) dismiss any complaint at any stage of disposition and issue a letter of instruction to the respondent when it appears that the alleged violation was inadvertent, unintentional or insubstantial. In the event the Commission dismisses a complaint as provided in this subsection, the Commission shall issue a public report stating with particularity its reasons for the dismissal. The Commission, at the request of the state attorney or any other law enforcement agency, shall stay an ongoing proceeding. The Commission shall not interfere with any ongoing criminal investigation of the state attorney or the U.S. Attorney for the Middle District of Florida.

(Ord. 2011-167-E, § 2)

Sec. 602.935. - Frivolous or groundless complaints.

In any case in which the Commission determines that the complaining party filed a frivolous or groundless complaint as defined in Florida Statutes, § 57.105, or a complaint filed with malicious intent or with knowledge that the complaint contains one or more false allegations, or filed with reckless disregard for whether the complaint contains material false allegations, the

Commission may, upon proper notice and hearing, order the complaining party to pay any costs and attorneys' fees incurred by the Commission and/or the alleged violator. Such order may be enforced by the Circuit Court, as are other board orders of the City.

(Ord. 2011-167-E, § 2)

Sec. 602.936. - Effect on other laws.

The provisions of Chapter 602 shall be deemed supplemental to any other applicable county ordinance or state or federal law and are not intended to replace or repeal any provision of state or federal law, or of this Code.

(Ord. 2011-167-E, § 2)

Sec. 602.937. - Prospective jurisdiction.

The Commission shall be empowered to consider alleged violations within its jurisdiction committed on or after the effective date of this Subpart.

(Ord. 2011-167-E, § 2)

Sec. 602.938. - Personnel or other regulatory proceedings.

Where an officer or employee subject to the jurisdiction of this Chapter is alleged to have violated an ordinance within the jurisdiction of the Commission, and, based upon the same set of facts, is subject to an ongoing disciplinary, regulatory administrative, or criminal action initiated by the officer or employee's agency or employer, or by any other governmental entity with jurisdiction over the officer or employee, the Commission shall stay consideration of a complaint under this Part applicable to said officer or employee until the conclusion of the administrative, civil, or criminal proceeding. Nothing herein shall abridge employees' constitutional right to collective bargaining.

(Ord. 2011-167-E, § 2)

Sec. 602.939. - Statute of limitations.

No action may be taken on a complaint filed more than two (2) years after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation. Where the allegations are the subject of a personnel, criminal or administrative proceeding or where the complainant is required to exhaust his or her administrative remedies prior to filing a complaint, the statute of limitations shall be tolled until the termination of said proceeding or the exhaustion of administrative remedies.

(Ord. 2011-167-E, § 2)

Sec. 602.940. - Advisory opinions.

Any person within the jurisdiction of the Commission, when in doubt about the applicability or interpretation of any provision within the Commission's jurisdiction to himself or herself in a particular context, may submit in writing the facts of the situation to the Commission with a request for an advisory opinion to establish the standard of public duty, if any. A person requesting an advisory opinion may withdraw the request at any time up to ten days before the Commission convenes a public meeting to consider the request. An advisory opinion shall be rendered by the Commission on a timely basis, and each such opinion shall be numbered, dated and published.

(Ord. 2011-167-E, § 2)

Sec. 602.941. - Review.

Any final order of the Commission imposing civil penalties, censure, or costs or attorneys' fees may be reviewed by the Circuit Court, in such manner as is authorized for review of quasi judicial board decisions.

(Ord. 2011-167-E, § 2)

PART 10. - ETHICS EDUCATION

Sec. 602.1001. - Ethics education program.

Officers and employees of the City, as public servants, are considered stewards of the public's trust and should aspire to the highest level of integrity and character. Officers and employees shall be informed of their ethical responsibilities at the start of their work with the City and shall receive updates and training materials on ethics issues throughout the span of their public service, as designated by the City Ethics Office and Ethics Officer(s).

(a) Every officer and employee of the City must be responsible for understanding and complying with the provisions of this Chapter.

(b) Every elected official shall attend an Ethics in Government Program within a time period set by the Ethics Director, with the concurrence of the General Counsel, but said time period shall not be less than 45 days following certification of election. Upon fulfillment of this requirement, each elected official will be issued a digital certificate of completion by the Jacksonville Ethics Office. Constitutional Officers complying with the State requirements and who submit proof of same and affirm that they have also read and understood the requirements of Chapter 602 Jacksonville Ethics Code, Ordinance Code, shall be issued a digital certificate of completion by the Jacksonville Ethics Office.

(c) Every employee (regular and appointed) of the City shall complete an Employee Ethics Training Program within the first six months of his/her employment with the City. Current employees shall complete training as designated in a schedule developed by the City Ethics Office. Upon fulfillment of this requirement, each employee will be issued a certificate of completion by the City Ethics Office.

(d) The City Ethics Office shall provide ethics education materials to appointed officials, and encourage appointed officials to attend an Ethics in Government Program.

(e) The Ethics in Government Program and Employee Ethics Training Program shall be created and delivered by the City Ethics Office with assistance from the City's Ethics Officer(s) and the General Counsel's Office.

(f) The programs shall include topics as determined necessary to explain the provisions of this chapter, the Florida Statutes concerning ethics and general ethics issues. Topics shall be determined based upon state law

requirements and other issues as identified by the Ethics Director, Office of General Counsel and the Ethics Commission. This training shall not duplicate the training requirements of F.S. § 112.3142.

(Ord. 97-890-E, § 1; Ord. 2007-770-E, § 1; Ord. 2007-329-E, § 3; Ord. 2016-6-E, § 1)

Sec. 602.1002. - Reserved.

Editor's note— Ord. 2014-456-E, § 1, amended the Code by repealing former 602.1002 in its entirety. Former § 60.1002 pertained to annual ethics training for City Council Members, and derived from Ord. 2014-3-E, § 1.

PART 11. - CIVIL PENALTIES

Sec. 602.1101. - Public Reprimand or Civil Penalty.

A finding by the Ethics Commission of a violation of any part of this Chapter shall subject the person or entity to a public reprimand, a civil penalty of up to $500, or both. All civil penalties collected shall be deposited into the City of Jacksonville General Fund.

(Ord. 2014-457-E, § 1)

Sec. 602.1102. - Rescission or Voidance of Benefit.

Upon a finding by the Ethics Commission that a violation of this Chapter resulted in a contract, grant, subsidy, license, permit, franchise, use, certificate, development order or other benefit conferred by the Jacksonville City Council as applicable, then such contract, grant, subsidy, license, permit, franchise, use, certificate, development order or other benefit may be rescinded or declared void by the Jacksonville City Council at the request of the Ethics Commission.

(Ord. 2014-457-E, § 1)

PART 12. - GENERAL PROVISIONS

Sec. 602.1201. - Voiding transactions in violation of Chapter; recovery by City.

The Mayor may declare void and rescind any contract, loan, grant, subsidy, license, right, permit, franchise, use, authority, privilege, certificate, ruling, decision, opinion or other benefit that has been awarded, granted, paid, furnished or published, in relation to which there has been any violation of this Chapter. The City shall be entitled to recover, in addition to any penalty prescribed by law or in a contract, the amount expended or the thing transferred or delivered on its behalf, or the reasonable value thereof.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3)

Sec. 602.1202. - The Constitution of the State of Florida.

All officers and employees of the City and independent agencies shall comply with all applicable provisions of the Constitution of the State of Florida, including, but not limited to the following:

(a) Article I, Section 24 (Access to public records and meetings), Florida Constitution;

(b) Article II, Section 8 (Ethics in government), Florida Constitution.

(Ord. 97-890-E, § 1)

Sec. 602.1203. - State statutes.

In addition to the provisions of this Code, all of officers and employees of the City and independent agencies are expected to comply with the applicable provisions of state laws, including, but not limited to the following:

(a) Chapter 99 (Candidates, campaign expenses, and contesting elections);

(b) Section 100.361 (Municipal recall);

(c) Section 102.031 (Maintenance of good order at polls; authorities; persons allowed in polling rooms; unlawful solicitation of voters;

(d) Section 104.071 (Remuneration by candidate for services, support, etc.,; penalty);

(e) Section 104.271 (False or malicious charges against, or false statements about, opposing candidates; penalty);

(f) Section 104.31 (Political activities of state, County, and municipal officers and employees);

(g) Chapter 106 (Campaign financing);

(h) Section 111.075 (Elected officials; prohibition concerning certain committees);

(i) Section 112.042 (Discrimination in County and municipal employment; relief);

(j) Section 112.043 (Age discrimination);

(k) Section 112.044 (Public employers, employment agencies, labor organizations, discrimination based on age prohibited; exceptions; remedy);

(l) Chapter 112, Part III (Code of ethics for public officers and employees);

(m) Chapter 119 (Public records);

(n) Section 163.367 (Public officials, commissioners, and employees subject to code of ethics);

(o) Section 286.011 (Public meetings and records; public inspection; criminal and civil penalties);

(p) Section 286.0115 (Access to local officials);

(q) Section 286.012 (Voting requirements at meeting of government bodies);

(r) Chapter 838 (Bribery; misuse of public office);

(s) Chapter 839 (Offenses by public officers and employees).

(Ord. 97-890-E, § 1)

Sec. 602.1204. - Liability for breach of public trust.

(a) Article II, Section 8(c) of the Constitution of the State of Florida applies to all officers and employees of the City and independent agencies. Section 8(c) states the following: Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions. The manner of recovery and additional damages may be provided by law.

(b) Any officer or employee of the City or an independent agency who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the City or an independent agency for all financial benefits obtained by such actions.

(Ord. 97-890-E, § 1; Ord. 2011-232-E, § 3)

Note— Former § 602.505.

Sec. 602.1205. - Additional ordinances.

All officers and employee of the City and independent agencies are expected to comply with the applicable provisions of additional ordinances listed in other Chapters of the Ordinance Code, including, but not limited to the following:

(a) Section 86.107 (Cooperation with the Jacksonville Equal Opportunity Commission);

(b) Chapter 102 (Auditing regulations);

(c) Section 106.331 (Indebtedness in excess of appropriates prohibited);

(d) Section 106.332 (Transfer of expense funds or expense credits prohibited;

(e) Section 106.334 (Personal liability for authorizing expenditures in excess of the amount appropriated;

(f) Section 106.336 (Penalties for violation of Sections 106.331 and 106.332);

(g) Section 106.431 (Maximum indebtedness required in all City contracts);

(h) Section 106.433 (Personal liability for indebtedness in violation);

(i) Section 106.434 (Penalties for violation);

(j) Section 106.713 (Fraudulent claims re travel expense reimbursement);

(k) Section 122.811 (Sales of tangible personal property; prohibition of sales to certain persons);

(l) Sections 124.201—207 (Records retention and disposition);

(m) Section 126.104 (Integrity of public contracting and purchasing process);

(n) Section 126.110 (Unauthorized purchases and contracts);

(o) Section 134.108 (Refusal to obey order during investigation);

(p) Section 320.302 (Building and Zoning Inspection Division employees; conflicts);

(q) Chapter 400 (Equal opportunity);

(r) Chapter 402 (Equal employment opportunity);

(s) Section 656.144 (Improper influence).

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3)

Sec. 602.1206. - Personnel rules and regulations.

All employees of the City shall comply with the applicable provisions of Sections 11.01—11.04, Civil Service and Personnel Rules and Regulations, to the extent that they do not conflict with the provisions of this code of ethics.

(Ord. 97-890-E, § 1)

Sec. 602.1207. - Public records.

Subject to confidentiality provisions otherwise provided for in this chapter or state law, any record or document required to be filed pursuant to this chapter shall be a public record.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3)

Sec. 602.1208. - Government in sunshine.

(a) All meetings of the Council and of its committees and subcommittees and meetings of the boards and commission of the City are declared to be public meetings open to the public at all times, unless otherwise exempted by Florida law, including section 112.324. No ordinance, resolution, rule, regulation or formal action shall be passed or considered binding except when made at a public meeting.

(b) The public meetings required by this Section shall be held in premises owned or leased by federal, state, or local governments, or in premises which otherwise provide full and reasonable access to the public.

(c) A person who is a member of a governmental body named in this Section who willfully violates the provisions of this Section by attending a meeting not held in accordance with its provisions shall be reprimanded or pay civil penalty as set forth in Part 11 of this Chapter.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2010-172-E, § 2; Ord. 2014-457-E, § 1)

Sec. 602.1209. - Severability.

It is not the intent of this Code to conflict with any applicable state law. If any Section, sentence, clause, phrase or word of this Chapter is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portion of this Chapter; and it shall be construed to have been the legislative intent to pass this Chapter without such unconstitutional, invalid or inoperative part therein; and the remainder of this Chapter, after exclusion of such part of parts, shall be deemed and held to be valid as if such part or parts had not been included therein.

(Ord. 97-890-E, § 1)

Sec. 602.1210. - Cooperation by appointed employees in official investigations.

All appointed employees, as a condition of employment, shall agree to cooperate truthfully, honestly, and completely with official government investigations including but not limited to, investigations by the Ethics Commission, Ethics Officer, State Attorney's Office, or United States Attorneys' Office, concerning his or her official duties or matters related to City government or business.

(Ord. 97-890-E, § 1; Ord. 2011-232-E, § 3)

Note— Former § 602.409.

Sec. 602.1211. - Testimony and questioning of public officials and employees relating to public affairs.

(a) No officer or employee of the City or an independent agency, who is called as a witness by or before any City, State or Federal administrative or judicial tribunal, shall refuse to answer before the tribunal any proper question concerning the performance of his or her official duties or to produce books, records and other papers and documents of his or her office or concerning his or her official duties properly required to be produced by or before the tribunal; provided, that the officer or employee shall retain his or her privileges and immunities against self-incrimination provided under the Constitution and laws of the state and the United States.

(b) No employee of the City or an independent agency shall refuse to answer any question when directed to by a supervisor related to the employee's performance or fitness to serve; provided, that the employee shall retain those privileges and immunities provided under the Constitution and laws of the state and the United States, relating to the use of said information in a criminal prosecution.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2011-232-E, § 3)

Note— Former § 602.410.

Sec. 602.1212. - Disclosure of criminal records required.

A person, when applying for or when appointed to a City position, with or without compensation, shall be required to disclose to the appointing or hiring authority any criminal conviction and record thereof, with the exception of crimes that are classified or, if not committed in Florida, would be classified if committed in Florida, as misdemeanors of the second degree. Disclosures shall be made in writing and failure to disclose shall result in automatic removal or dismissal from the position, subject to the rules and regulations of the civil service system where applicable. If, at any time after the person is appointed to a City position, there is an allegation that the disclosure required by this Section is false or incomplete, the matter shall be submitted to the appointing or hiring authority for determination. If, after proper notice and hearing the cognizant authority determines that the disclosure is correct, no action shall be taken; but if, after proper notice and hearing, the cognizant authority determines that the disclosure is incorrect, the person submitting the same shall be deemed to have failed to make any disclosure.

(Ord. 97-890-E, § 1; Ord. 2011-232-E, § 3)

Note— Former § 602.411.

Sec. 602.1213. - Penalty provisions.

Unless otherwise set forth in this Chapter, any violation of this Chapter, which is declared to be unlawful, shall be a class C offense.

(Ord. 2011-232-E, § 4)

ESCAMBIA COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

ESCAMBIA COUNTY CODE OF ETHICS:

See the enclosed Code of Ethics.

Board of County Commissioners
Escambia County, Florida

Title:	Escambia County Code of Ethics – Section II; C. 26
Date Adopted:	November 20, 2008
Effective Date:	November 20, 2008
Reference:	Part III of Chapter 112, Florida Statutes
Policy Superseded:	March 18, 2004, December 6, 2007

Escambia County Code of Ethics Policy

As authorized under the State of Florida Code of Ethics, the Escambia County Board of County As authorized under the State of Florida Code of Ethics, the Escambia County Board of County Commissioners hereby adopts a County Code of Ethics Policy for Escambia County government in accordance with Part III of Chapter 112, Florida Statutes "Code of Ethics For Public Officers and Employees". All public officers and employees of the Board of County Commissioners will conduct County business pursuant to the Escambia County Code of Ethics Policy in addition to the statutory regulations set out in Part III, Chapter 112, Florida Statutes.

The proper operation of democratic County government requires that its public officers and employees be independent, impartial, and responsible to the people; that County decisions and policy be made through proper channels of the governmental structure; that public office must not be used for personal gain; and that the public have confidence in the integrity of its County government. In recognition of these goals, an Escambia County Code of Ethics Policy for all Public Officers and employees is established.

A. Persons Governed by the Escambia County Ethics Code Policy

1. Public Officers

   a. A "public officer" is defined in Sections 112.313(1) and 112.3143(1)(a), Florida Statutes to include persons "elected or appointed to hold office in Escambia County, including any person serving on an advisory body."

   b. Examples of such elected and appointed public officers include members of the Board of County Commissioners, Board of Adjustment, and Planning Board.

2. Public Employees

   a. The term "employee" is not defined in the State Code of ethics, but the First District Court of Appeal has applied in an ethics context the same definition of "employee" as is used in tort actions. Wright v. Commission on Ethics, 389 So.2d 662 (Fla. 1st DCA 1980).

   b. Examples of such employees include the County Administrator, County Attorney, and all other salaried or hourly workers employed by Escambia County.

   c. "Independent contractors" hired by the County are not employees and therefore are not governed by provisions in this policy that are applicable to public employees.

3. Candidates for Public Office

"Candidates" for public office (defined in Section 112.312(6), Florida Statutes to mean any person who had filed financial disclosure and qualification papers, has taken the candidate's oath, and seeks to become a public officer by election) are subject to a limited number of ethical provisions; and successful former candidates who have not yet taken office are subject to the gifts law contained in Section 112.3148, Florida Statutes.

B. State Code of Ethics

All County public officers and employees shall be required to become familiar with the provisions of Part III, Chapter 112, Florida Statutes, including but not limited to the following sections:

1. Section 112.313, Florida Statutes. This section establishes the standard of conduct for public officers and employees of the County. It sets out the standards which must be followed in any official business conducted by public officers or employees of the County, including such matters as the solicitation or acceptance of gifts, doing business with one's agency, unauthorized compensation, salary and expenses, misuse of public position, conflicting employment or contractual relationships, disclosure or use of County information and certain other matters.

2. Section 112.3135, Florida Statutes. This anti-nepotism section prohibits a public officer from appointing, employing, promoting, or advancing or advocating the appointment, employment, promotion, or advancement of a relative. It does not prohibit two relatives from being employed within the County at the same time. "Relative," for purposes of this section only, with respect to a public officer, means an individual who is related to the public officer as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

3. Section 112.3143, Florida Statutes. This section governs public officers who are elected or appointed to hold office in the County, including any person serving on an advisory board. It forbids any County public officer voting in his or her official capacity upon any measure which would inure to his or her special private gain or loss and provides such voting conflicts.

4. Section 112.3144, Florida Statutes. This section requires the full and public disclosure of the financial interests of certain County public officers as specified herein. It establishes the procedure for such filing and the fines for failure to timely file as required.

5. Section 112.3145, Florida Statutes. This section requires that County public officers file disclosures of their financial interests and clients represented before the Board of County Commissioners and other boards and committees. It governs such persons as the members of the Board of County Commissioners, the County Administrator, County Attorney, and other county employees such as the Purchasing Manager, the administrator with the power to grant land development permits; i.e., County Engineer, Chief Building Official; i.e., Director of Building Inspections, County Pollution Control Director and County Environmental Control Director; i.e., Director of Neighborhood and Environmental Services, Members of Planning Board and Board of Adjustment, and Fire Chief.

6. Section 112.3147, Florida Statutes. This section is applicable to all County public officers and employees, who are required to file disclosures with the State Commission on Ethics, to use certain forms as provided by the Commission.

7. Section 112.3148, Florida Statutes. This section governs certain County public officers and employees filing full or limited public disclosure of the financial interests. It defines who a lobbyist is and sets out the reporting and receipt of gifts procedure by individuals filing full or limited public disclosure of financial interests and by procurement employees.

8. Section 112.3149, Florida Statutes. This section deals with the solicitation and disclosure of honoraria. It defines honoraria and how such honoraria may be accepted and reported to the Commission on Ethics.

9. Section 112.3151, Florida Statutes. This section provides for the extension of time for filing certain disclosures. It states the Commission on Ethics may grant for good cause, on an individual basis, an extension of time for filing any disclosure required under the State Code of Ethics.

10. Section 112.317, Florida Statutes. This section provides for the State penalties that County public officers or employees may face for violation of the State Ethics Code.

C. Standards of Conduct

The conduct of all public appointed officers and employees shall be measured by the standards set out in Part III, Chapter 112, Florida Statutes, and by those additional standards adopted by the County that require a higher standard of conduct than permitted under the State Code of Ethics, including but not limited to the following:

1. *Personal Interest in County Contract or Transaction*. No County public officer or employee having the power or duty to perform an official action related to a County contract or a transaction shall:

   a. Have or thereafter acquire any interest in such a contract or transaction, or

   b. Have an interest in any business entity representing, advising, or appearing on behalf of, whether paid or unpaid, any person involved in such contract or transaction, or

   c. Have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction, or

   d. Have solicited, accepted, or granted a present or future gift, favor, service, or thing of value from or to a person involved in such contract or transaction, except as otherwise allowed in the State Code of Ethics.

2. *Disclosure or use of Certain Information*. No public officer, employee of an agency, or local government attorney shall disclose or use information not available to members of the general public and gained by reason or his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

3. *Withholding of Information (Required Disclosure)*.

   a. No public appointed officers or employees shall withhold any information when the officer or employee knows, or reasonably should know, that a failure to disclose may impair the proper decision making of any County boards, authorities, agencies or committees. In addition to the requirements of Chapter 112, Part II, Code of Ethics for

Public Officers and Employees, members of subordinate boards and committees, and any of the County's employees who are recommending the approval or denial of a recommendation for any official action shall, prior to any such action, disclose any recent (within the last 90 days) or ongoing business, financial, or investment relationship or interest that may, in the context of the proposed official motion, reasonably be deemed to create the appearance of impropriety.

b. Employees classified as Senior Executive Service I or II shall be required to comply with the financial disclosure requirements established pursuant to Section 112.3145, Florida Statute (2007), including any appointed public officer or employee in the Senior Executive Service who does not have an independent obligation to make such financial disclosure under that section. For any SES employee who does not have an independent obligation to make this financial obligation under state law, disclosure shall be made on the Statement of Financial Interest form (attached to this policy). Disclosure shall be made on an annual basis but shall not be made later than July 1 of each year. The County Ethics Officer shall ensure that disclosure forms and all necessary instructions for compliance are available and that members of the Senior Executive Service have adequate time to complete the disclosure forms. The County Ethics Officer shall be the custodian of records for any disclosure forms that are not required to be sent to the State of Florida Commission on Ethics.

4. *Public Property*. No County public officer or employee shall request or permit the unauthorized use of County-owned vehicles, equipment, materials, or property.

5. *Special Treatment*. No County public officer or employee shall grant any special consideration, treatment, or advantage to any person, group or organization beyond that which is available to every other person, group or organization in the same or similar circumstances.

6. *Payment of Debts*. All public officers and employees shall settle, in a timely fashion, business accounts between them and the County, including the payment of taxes.

7. *Gifts and Gratuities*. Appointed public officers and employees shall not directly solicit any gift or accept or receive any gift – whether it be money, services, loans, travel, entertainment, hospitality, a promise, or in any other form – under circumstances where it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties, or the gift was intended to serve as a reward for any official action on their part. Furthermore, no County employee shall receive any gifts from organizations, business concerns, or individuals that are lobbyists or vendors that have a business relationship with the County if such gift has a value over $50.00.

The following shall not be deemed a violation of the limitations this Policy imposes as it relates to gifts and gratuities over $50.00:

a. Legitimate salary, benefits, fees, commissions, or expenses associated with a public officer's or employee's non-public business;

b. An award, plaque, certificate, memento, or similar item given in recognition of the public officer's or employee's civic, charitable, political, professional, or public service;

c. Food, beverages, and registration at group events to which all similarly situated employees or public officers are invited;

d. Actual and reasonable expenses, as set out in the County travel policy, for food, beverages, travel, lodging, and registration for a meeting which are provided to a public officer or employee so that he or she may participate in or speak at a meeting or conference or similar event;

e. A commercially reasonable loan offered to the public at large and made in the ordinary course of business;

f. Promotional items generally distributed free to public officers or employees by County vendors;

g. Gifts from a relative (father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law) of the appointed officer or employee.

8. *Gift Reports.* All reporting individuals, including County Commissioners, County Attorney, County Administrator, Purchasing Manager, the administrator with the power to grant land development permits, i.e., County Engineer, Chief Building Official, County Pollution Control Director and County Environmental Control Director; i.e., Director of Neighborhood and Environmental Services, members of Planning Board and Board of Adjustment, and Fire Chief, who receive a gift shall report that gift in the manner provided by Section 112.3148, Florida Statutes.

9. *Outside Employment*. County employees may engage in outside employment, subject to the following restrictions:

a. County employees may not render services for outside interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their duties; and

b. County employees may not use County property or resources to assist or promote the outside employment, service or business; and

c. County employees may not use any portion of time spent working for the County to assist or promote such outside employment, service, or business.

Furthermore, all County employees seeking to engage in private employment must complete the certification form (attached to this policy) that: 1) discloses the identity of the private employment, service, or business, 2) discloses the nature of the private employment, service, or business, and the job duties of the position that the County employee seeks, and 3) discloses whether, to the employee's knowledge, the private employer, service, or business is a vendor or contractor for the County. This certification form, declaring such outside employment, must be filed with and approved by the County Ethics Officer and approved by the County Administrator. A copy of the certification form will be maintained in the employee's official personnel file.

10. *Prohibited Investments*. No appointed public officer or employee over the course of his or her employment shall be allowed to have any personal investment which in any way would create a substantial conflict of interest between his or her private interests and the County's interest. Additionally, no appointed public officer or employee who reviews applications for permits or approvals shall enter into any contractual relationship with a person or entity who must obtain a County permit or approval for the property (real or personal) that is the subject of the contract. However, once the person or entity has obtained a final decision on the permit or approval, the appointed public officer *may* enter into a contractual relationship for the property, provided: 1) any member of the public has the same opportunity to enter into a contractual relationship for the property with substantially similar terms and conditions, and 2) the contractual relationship does not violate any other provision of this policy. A decision is deemed final after any and all appeals of the decision are final.

Furthermore, no County employee (including the County Administrator and the County Attorney) may enter into any joint business or joint investment with an elected County officer while the officer is serving his or her term of office. If the employee has any joint business or joint investment, with a commissioner that existed prior to the election of the commissioner, the employee must make full disclosure of the business or investment immediately upon the election of the commissioner.

11. *Miscellaneous Malfeasance or Misfeasance*. Any County public officer or employee, who breaches the public trust for private gain, shall be liable to the County for repayment of all financial benefits obtained by such a breach. It also shall be unlawful and a violation of this policy for any County public officer or employee to threaten or intimidate or otherwise impede any witness, investigation, administration of law, the conduct of any public meeting, or any other act that would interfere with the lawful functioning of County government.

12. *Improper Use of Position*. No County public officer, employee or County attorney shall use or attempt to use his or her official position or any property or resource which may be within his or her trust, to secure a special privilege, benefit, or exemption for himself, herself, or others.

13. *Converting County Property*. A County public officer or employee is prohibited from converting or embezzling any real or personal property for which that public officer or employee is required to possess or control in the execution of his or her County duties. Upon a conviction and adjudication of guilt by a court of competent jurisdiction, whether civil or criminal, the County shall request that the court require proper restitution to the County.

14. *Political Activity*. Any County public officer or employee (except for the elected members of the Board of County Commissioners) is prohibited from conducting political activities while on County time. No such political activities will be undertaken by any person who disadvantages the functioning of County government. A County public officer or employee is prohibited from using County resources to aid or boost the political campaign of any elected public officer. This policy shall not be interpreted to violate the protected constitutional rights of the First Amendment or the impairment of any public officer or employee's civil rights to vote and to take part in political campaigns.

15. *Professional Services*. No County public officer or employee may recommend the services of any lawyer or other professional to assist any person in a transaction involving the County unless such recommendation is a part of that person's official duties. No attorney employed by the County or other employee shall represent a private individual or entity before the County.

16. *Ethics Officer*. A County Ethics Officer will be appointed by the Board of County Commissioners. Unless another County employee is specifically designated as the County Ethics Officer by the Board of County Commissioners, the employee holding the position of County Human Resources Manager shall be the County Ethics Officer. The County Ethics Officer duties and responsibilities shall be assigned, as a separate responsibility, to the Human Resources Manager. The Ethics Officer may receive complaints from the public or County personnel involving alleged ethical violations by the County's appointed public officers or employees. The Ethics Officer will review any such allegation to determine whether or not it appears to be factually grounded. The Ethics Officer shall also report the allegation to the Chairman, BCC and the County Administrator and shall review the factual basis for the allegation with the County Attorney. Should the complaint involve the County Administrator, the complaint shall be referred to the Chairman of the Board. Should the complaint involve any Board Member or Ethics Officer the complaint shall be referred to the County Attorney. After such review, the Ethics Officer may initiate an investigation or refer the complainant to the State Commission on Ethics (COE) as appropriate. For purposes of this Policy, the Ethics Officer's decision to initiate an investigation or to make a referral to the COE is subject to approval by the Chairman of the BCC and the County Administrator. The Ethics Officer's completed report will be submitted to the Chairman of the Board of County Commissioners. Removal of the Ethics Officer will require a majority vote of the Board of County Commissioners after a finding of good cause.

17. *Disclosure of Criminal Records Required*. Any person applying for appointment to a County board or committee or for employment with Escambia County will disclose any criminal convictions and the failure to do so may result in dismissal from any such volunteer, board or committee member, or from employment of the County.

18. *Prohibition against Misuse of Code*. Individuals covered by this policy shall not use its provisions to further false or frivolous claims against another. False claims shall be those forwarded with knowledge that the claim contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of material fact. The filing of a false complaint shall be a violation of this policy.

19. *Enforcement and Penalty*. Pursuant to Subsection 112.317(3)(b), Florida Statutes, the Board of County Commissioners finds that an efficient and effective method for the determination of violations of the ethical standards set forth in this Policy is through local enforcement as provided herein. This Policy may be enforced in any manner allowed, authorized, or otherwise provided by law or ordinance, including Section 125.01, Florida Statutes.

    a. For appointed public officers, who are members of County boards and committees, the Board of County Commissioners may censure or remove that person for a policy violation and prohibit him or her from being reappointed to a County board or committee for up to a period of five (5) years or may refer the matter to the State Commission on Ethics for investigation.

    b. For County employees, such employees may be subject to employment sanctions for a policy violation, including but not limited to, reduction in pay, reprimand, suspension, or termination in accordance with the personnel procedures which are currently established allowing for County classified or unclassified employees to be disciplined or the referral of the matter to the State Commission on Ethics for investigation.

20. *Training, Administration and Records.* The HR Director shall be responsible for training, administration and records associated with the BCC Ethics Program. All County employees classified as Senior Executive Service I or II are required to attend no less than two (2) hours of ethics training on an annual basis. Ethics training shall additionally be made available to all other supervisors and managers, and must attend a minimum of one (1) hour training annually. The HR Manager shall be responsible for scheduling an adequate number of training sessions and shall provide adequate notice of the training sessions. "Ethics Training" includes any training on the provisions, application, and enforcement of this policy, on the provisions, application, and enforcement of the State Code of Ethics, and any other ethics-based training for public employees approved by the County Ethics Officer. Failure to attend the minimum requirements for ethics training annually shall constitute a "for cause" basis for disciplinary action.

ACKNOWLEDGEMENT OF RECEIPT

I have received and read the Escambia County Ethics Policy and agree to abide by its provisions and uphold its policies.

Name: _____ Job Title: _____

Department: _____

Signature: _____ Date: _____

STATEMENT OF FINANCIAL INTERESTS

LAST NAME — FIRST NAME — MIDDLE NAME:

MAILING ADDRESS: If change of address, check here: ☐

CITY: ZIP: COUNTY:

NAME OF AGENCY:

NAME OF POSITION HELD:

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

For Office Use Only:

Date Received: _____

By: _____

** BOTH PARTS OF THIS SECTION MUST BE COMPLETED**

DISCLOSURE PERIOD:

This statement reflects your financial interests for the preceding tax year, whether based on a calendar year or on a fiscal year. Please state below whether this statement is for the preceding tax year ending either (check one):

☐ December 31, 20_____ or ☐ Specify Tax Year if other than the calendar year: _____

PART A – PRIMARY SOURCES OF INCOME (Major sources of income over $2,500 min. to the reporting person, i.e., other employment, pensions, rental property)

Name Source of Income	Source's Address	Description of the Source's Principal Business Activity

PART B – SECONDARY SOURCES OF INCOME (Major customers, clients and other sources of income to businesses owned by the reporting person)

Name of Business Entity	Name of Major Sources of Business' Income	Address of Source	Principal Business Activity of Source

HR2007-18 Submit Form to HR Dept.

PART C – REAL PROPERTY – FLORIDA ONLY (Land, buildings owned by the reporting person)

PART D – INTERESTS IN SPECIFIED BUSINESSES (Ownership or positions in certain types of businesses, that have currently or likely will do business with Escambia County BCC)

	Business Entity # 1	Business Entity #2	Business Entity # 3
Name or Business Entity			
Address of Business Entity			
Principal Business Activity			
Position Held With Entity			

IF ANY OF PARTS A THROUGH D ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

SIGNATURE (required): DATE SIGNED (required):

FILING INSTRUCTIONS

What to File:	Where to File:	When to File:
After completing all parts of this form, including signing and dating it, submit only pages 1 and 2 to the HR Dept. of the BCC. If you have nothing to report in a particular section, you must write "none" or "n/a" in the section(s). Facsimiles will not be accepted.	**SES I and SES II non-reporting** employees submit this form to the HR Dept. of the BCC.	**Within 30 days of the effective date of** the approved inclusion of the Escambia County Code of Ethics and every year thereafter by July 1.

BOARD OF COUNTY COMMISSIONERS
CERTIFICATION OF OUTSIDE EMPLOYMENT

_____ (name) do hereby state under oath that I engage in non-county employment.

This employment is conducted entirely in my off-duty hours, and I do not use or take advantage of any resources or equipment of Escambia County in its performance. I understand and agree that such employment is secondary to my County employment in all respects. Specifics regarding my outside employment follow:

1. Name and address of company/organization:
   a) _____ b) _____
2. Nature of Business or operations:
   a) _____ b) _____
3. Your Duties:
   a) _____ b) _____
4. To the best of your knowledge, do any of the companies/organizations listed above have a business relationship with the Escambia County Board of County Commissioners?
   Yes___ No____ If yes, please describe nature of business transactions: _____

For purposes of this question, a "business relationship" may be ongoing, may have been conducted within the past 18 months, or may be intended to begin within the next 18 months.

I, by my signature below, certify that my outside employment does not now pose a conflict of interest with my current County employment nor will such outside employment create such a conflict in the future. Should I discover that such outside employment does indeed create such a conflict in the future, I will promptly advise my supervisor and the Ethics Officer indicating that I will cease such outside employment or I will resign my current County position.

Also, I will promptly advise my supervisor and the Ethics Officer when there is a change or addition to my outside employment listed above.

I understand and agree that for the purposes of this certification "conflict of interest" shall mean those conflicts set out in Part III of Chapter 112, Florida Statutes and the Escambia County Code of Ethics Policy.

I understand and agree that violation of this certification in any aspect shall be grounds for disciplinary action by Escambia County up to and including termination of my employment.

Name: _____ Job Title: _____

Signature: _____ Date: _____

STATE OF FLORIDA
COUNTY OF ESCAMBIA

Subscribed and sworn to (or affirmed) before me this _____ by _____

who is personally known to me or has produced _____ as identification.
(type of identification)

SEAL

_____
Notary Public

Approved by: _____ _____
Ethics Officer County Administrator

Date: _____ Date: _____

HR2007-20 (Submit Form to HR Dept)

FLAGLER COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

FLAGLER COUNTY CODE OF ETHICS:

The Code of Ethics for Flagler County are the statutory provisions of Chapter 112, Florida Statutes.

FRANKLIN COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

FRANKLIN COUNTY CODE OF ETHICS:

The Code of Ethics for Franklin County are the statutory provisions of Chapter 112, Florida Statutes.

GADSDEN COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

GADSDEN COUNTY CODE OF ETHICS:

1. The Code of Ethics for Gadsden County are the statutory provisions of Chapter 112, Florida Statutes.

GILCHRIST COUNTY

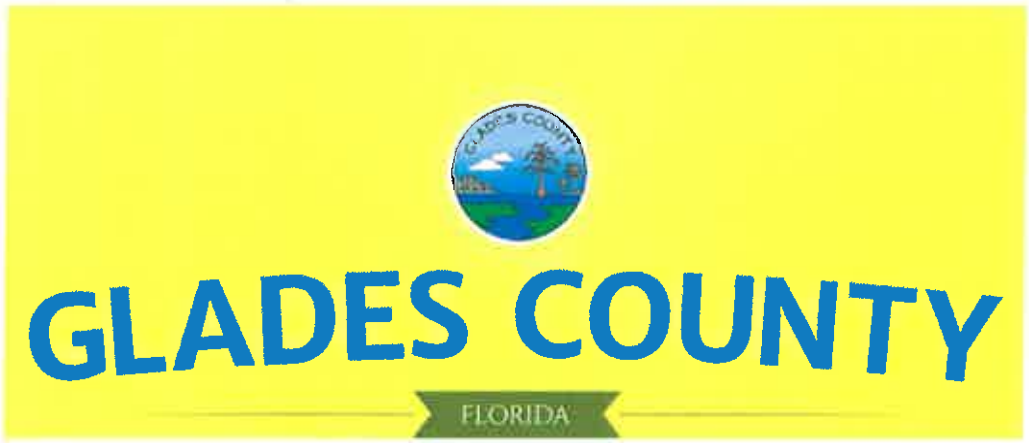
BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

GILCHRIST COUNTY CODE OF ETHICS:

The Code of Ethics for Gilchrist County are the statutory provisions of Chapter 112, Florida Statutes.



GLADES COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

GLADES COUNTY CODE OF ETHICS:

The Code of Ethics for Glades County are the statutory provisions of Chapter 112, Florida Statutes.

GULF COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

GULF COUNTY CODE OF ETHICS:

The Code of Ethics for Gulf County include a Code of Conduct Policy and a Conflict of Interest Policy.

CODE OF CONDUCT POLICY

SECTION I – EMPLOYMENT INFORMATION AND REQUIREMENTS

STANDARDS OF CONDUCT AND ETHICS

Employees of Gulf County are goodwill ambassadors, and such status involves a degree of duty and obligation regarding public and private conduct which is not common to many other classes of employment. The attitude and behavior of a County employee should, at all times, be such as to promote goodwill and a favorable attitude of the public toward the County's administration and its programs and policies. Each employee shall conduct himself/herself in a manner which could not be construed to be in conflict of this interest. Employees who fail to comply with the County's standards of conduct may be disciplined up to and including termination. No employee shall engage in criminal, infamous, dishonest, immoral or other conduct injurious or prejudicial to the County.

All Gulf County employees must abide by a code of ethical and professional communications with peers, supervisors, employees, vendors and the public. Such communication enhances human worth and dignity by fostering truthfulness, fairness, responsibility, personal integrity, and respect for self and for others. As such, the following rules must be followed when communicating with anyone:

A. Avoid argumentative tones and comments. Employees should state their position clearly and factually in a normal tone, allowing the other individual an opportunity to share her or his position, and inviting open discussion regarding both such positions.
B. Honesty is always required. It is critical that employees never engage in deceit, exaggeration, or express dishonesty when dealing with other individuals. While some communications may be extremely difficult to have, employees are always expected to convey them in a candid, but respectful, manner.
C. Respect issues of confidentiality. Employees of Gulf County will be faced with topics of great confidentiality at times and, as such, must avoid sharing any such information with anyone not needing to know the confidential information as part of their duties with Gulf County.

GIFTS:

Policy governing acceptance of gifts by County employees merits particular attention.

1. County employees shall not accept gifts or favors from any source where a reciprocal favor or consideration of any kind is expressed or implied by the giver. Money shall not be accepted under any circumstances.
2. County employees may not accept any gift whose value exceeds $50.00, per, Chapter 112 of the Florida Statutes. Any gift of value greater than $50.00 must be returned unless the gift is one that can be shared and/or made available for all employees to enjoy, and is not kept for the personal and exclusive use of a single employee.
3. When applying these guidelines in specific situations, the employee must use sound judgment and consider the nature, value, and spirit of any gift offered. Employees are encouraged to seek the counsel of their supervisors when necessary.

If any doubt exists about whether a gift is acceptable per the policy, the gift should be refused or returned. A letter or similar communication to the giver should explain the County's policy and express gratitude for the thoughtfulness of the giver. Sound judgment and prudent, courteous action in these situations are essential.

BCC APPROVED
DATE 6/26/12 D.C.

A violation of this policy is considered in the same manner as violation of other policies and directives and may call for disciplinary action. No employee may either solicit or accept anything of value, including a gift, loan, and reward, promise of future employment, favor or service that is based on any understanding that the vote, official action or judgment of the official would be influenced by such a gift. All employees are encouraged not to accept gifts, no matter how small, to avoid appearance of impropriety.

UNAUTHORIZED COMPENSATION: No employee or spouse or minor children may accept compensation, payment or anything of value which, with the exercise of reasonable care, is known or should be known to have been given to influence the vote or official action of such officer or employee.

DOING BUSINESS WITH ONE'S AGENCY: No employee who is empowered with the authority to purchase on behalf of the County in his/her official capacity may directly or indirectly purchase, rent, or lease any realty, goods or services from a business entity in which the employee, his/her spouse or children is an officer, partner, director, or proprietor, or in which the employee, his/her spouse, or children (or any combination of them) owns a material interest. No employee, acting in a private capacity, may rent, lease, or sell any realty, goods or services to the County or any of its agencies, except as provided in Florida Statute, Section 112.311.

MISUSE OF PUBLIC POSITION: No employee may use or attempt to use his official position or any property or resource within his trust, or perform his official duties to obtain special privilege, benefit, or exemption for himself or others.

DISCLOSURE OR USE OF CERTAIN INFORMATION: No employee may disclose or use information not available to the general public that is gained by reason of his/her public position for his personal benefit or the benefit of others. In addition to the above, all provisions of Florida Statute, Section 112 Code of Ethics for Public Officers and Employees, shall apply to County employees.

SECONDARY EMPLOYMENT

Employees shall not, directly or indirectly, engage in any outside employment or financial interest which may conflict with the best interests of the County or interfere with the employee's ability to perform the assigned County job. Examples include, but are not limited to, outside employment which:

- Prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job.
- Is conducted during the employee's work hours
- Utilizes county telephones, computers, supplies or any other resources, facilities or equipment
- Is employed with a firm that has contracts with or does business with the County; or
- May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

Employees of Gulf County must consult with their supervisors prior to accepting secondary employment. Such work shall be regarded as having a lower priority than the requirements of the employee's regular employment with Gulf County and must not interfere with or impede the performance of work responsibilities for the County. The secondary employment cannot adversely affect the impartial, objective and efficient performance of assigned duties. Nor can the secondary employment create a conflict of interest with employment by Gulf County. An employee's failure to disclose secondary employment may be grounds for dismissal. Final permission for secondary employment must be obtained from the Department Director.

CONTACT WITH NEWS MEDIA

The Public Information Officer, (PIO), County Administrator, or their designee shall be responsible for all official contacts with the news media during working hours, including answering questions from the media.

STATE AND FEDERAL GRANT FUNDING REQUIREMENT

Any employees and/or contractors that are paid by any Federal or State Grant will sign an annual statement of compliance to this policy during the grant award period.

The foregoing policy was offered by Commissioner WHITFIELD, who moved its adoption. The motion was seconded by Commissioner ROGERS and, being put to vote:

DULY PASSED AND ADOPTED THIS 26th day of June, 2017.

ATTEST: Rebecca Norris

CLERK

GULF COUNTY BOARD OF COUNTY COMMISSIONERS

BY: Chairman Ward McDaniel

APPROVED AS TO CONTENT AND FORM:

Jeremy T. M. Novak, County Attorney

GULF COUNTY BOARD OF COUNTY COMMISSIONERS
CODE OF CONDUCT POLICY

I, the undersigned, hereby acknowledge that I have received and completely read the Code of Conduct policy of Gulf County, Florida. I also agree and understand that I am to adhere and obey the policy set forth and adopted by the Board of County Commissioners of Gulf County, Florida on June 26, 2017.

_____

EMPLOYEE SIGNATURE DATE

_____

PRINTED NAME

GULF COUNTY CONFLICTS OF INTEREST POLICY:

I. Conflict of Interest. No employee shall use his-her position for unauthorized personal gain. Any conflict between personal interests and official responsibility is to be resolved by consciously avoiding possible conflicts or disclosing the basis of a possible conflict to a supervisor. The foregoing restrictions are not intended to stand in the way of active participation in community organizations or the pursuit of personal affairs by employees. Rather, these policies are aimed at insuring the public's business is faithfully and ethically executed.

In cases where federal or state grant funds are being expended, the County will disclose in writing any potential personal or organizational conflict of interest to Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy as stated in 2 CFR 200.112 Conflict of interest.

(a) Personal conflicts of interest. No employee, officer or agent of the subgrantee shall participate in the selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.

(b) Organization conflicts of interest. A set of circumstances in which a contractor may be unable to render impartial advice to the government, have impaired objectivity in performing work, or obtain an unfair advantage. Contracting officers will examine each situation individually to exercise good judgment in assessing whether, or not a conflict exists and in developing an appropriate way to resolve it.

III. Acceptance of Gifts. No employee or member of the employee's immediate family as defined elsewhere in these Rules and Regulations shall accept gifts, gratuities, or loans from organizations, business concerns, or individuals with whom the employee has official relationships on business of the Gulf County government. These limitations are not intended to prohibit the acceptance of articles of negligible value which arc distributed generally, nor to prohibit employees from accepting social courtesies which promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions. It is particularly important that department heads and those identified by the County Administrator with contracting authority guard against relationships which might be construed as evidence of favoritism, coercion, unfair advantage, or collusion.

(a) Notwithstanding the prohibition contained herein, the County Administrator may authorize the acceptance of meals, refreshments, and other gifts by designated County employees as specified below. The County Administrator may designate County employees who, incident to attending functions or traveling in their official capacities may be offered meals, refreshments, or other gifts. Except where prohibited under state or federal law, these employees may accept such meals, refreshments, or other gifts in compliance with conditions the County Administrator may establish by administrative order, including the following:

i. Employees may accept meals, refreshments or other gifts upon determining that their non-acceptance would be detrimental to the interests

BCC APPROVED
DATE 6/26/17 D.C.

of the County;

ii. All gifts of a non-perishable nature that are received shall be deemed accepted by employees on behalf of the County, and the County Administrator (or his or her designee) shall determine how to use the gift for a public purpose or otherwise how to dispose of the gift; and

iii. Employees shall, within thirty (30) days after receipt, inform the County Administrator, or her or his designee of the nature of the gift and the name of the donor.

(b) Notwithstanding the prohibition contained herein, employees may accept unsolicited perishable gifts delivered to them at their County office provided they:

i. Promptly notify the donor in writing of the County's no-gift policy; and

ii. Keep the perishable items in a common area of the County office where the items may be consumed by any County employee or member of the public visiting the office.

(c) Notwithstanding the prohibition contained herein, County employees who attend a conference, or visit any non-County office or premises, may accept beverages and snack items customarily made available to other attendees or visitors.

III. Outside employment. Employment outside the County employ is any paid employment performed by an employee in addition to his-her employment with the County. The following criteria shall apply to outside employment:

(a) Such employment shall not interfere with the efficient performance of the employee's duties;

(b) Such employment shall not involve a conflict of interest or conflict with the employee's duties;

(c) Such employment shall not involve the performance of duties which the employee should perform as part of his-her employment with the County

(d) Such employment shall not occur during the employee's regular or assigned working hours unless the employee is on either annual leave or compensatory leave, or contractually permitted.

(e) No employee granted permission to engage in outside employment shall work at said outside employment for a longer period than stated in his-her request for permission to engage in such employment or beyond that period approved by the Administrator, whichever is less. The Administrator reserves the right to revoke approval of outside employment if he or she later decides that such outside employment poses a conflict with or is incompatible with county employment.

(f) Any employee accepting outside employment under the terms of these Rules and Regulations shall make arrangements with the outside employer to be relieved from his-her outside duties if and when called for emergency service by the County.

(g) Requests for approval of outside employment must be reviewed and approved by an employee's department head, the Director of Human Resources and thereafter approved by the Administrator.

IV. Other Countywide Policies: This policy should be utilized in conjunction with the Gulf County Personnel Policy, all other countywide policies, and regulations that address Gulf County employment.

V. Effective Date. This policy shall be effective upon the date of adoption.

VI. Codification. It is the intention of the Board of County Commissioners that the provisions of this policy adoption be codified and incorporated into the Gulf County Personnel Policy and any future amendments; and that sections of this policy may be renumbered or re-lettered or such other appropriate word or phrase to accomplish such intention.

VII. Any employees and/or contractors that are paid by any Federal or State Grant will sign an annual statement of compliance to this policy during the grant award period.

The foregoing policy was offered by Commissioner WHITFIELD, who moved its adoption. The motion was seconded by Commissioner ROGERS and, being put to vote:

DULY PASSED AND ADOPTED THIS 26th day of June, 2017.

ATTEST: Rebecca Norris

CLERK

GULF COUNTY BOARD OF COUNTY COMMISSIONERS

BY: Chairman Ward McDaniel

APPROVED AS TO CONTENT AND FORM:

Jeremy T. M. Novak, County Attorney

GULF COUNTY BOARD OF COUNTY COMMISSIONERS
CONFLICT OF INTEREST POLICY

I, the undersigned, hereby acknowledge that I have received and completely read the Conflict of Interest policy of Gulf County, Florida. I also agree and understand that I am to adhere and obey the policy set forth and adopted by the Board of County Commissioners of Gulf County, Florida on June 26, 2017.

_____ _____

EMPLOYEE SIGNATURE DATE

_____

PRINTED NAME

HAMILTON COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

HAMILTON COUNTY CODE OF ETHICS:

1. The Code of Ethics for Hamilton County are the statutory provisions of Chapter 112, Florida Statutes.

HARDEE COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
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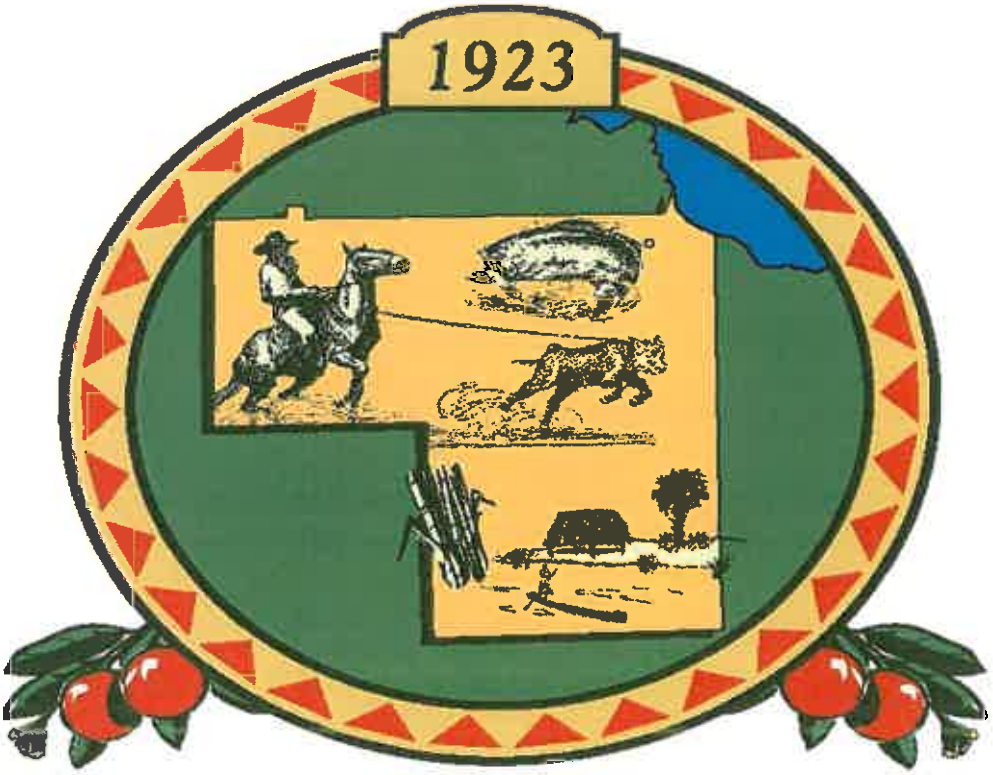
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

HARDEE COUNTY CODE OF ETHICS:

1. The Code of Ethics for Hardee County are the statutory provisions of Chapter 112, Florida Statutes.



HENDRY COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
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Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
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HENDRY COUNTY CODE OF ETHICS:

1. The Code of Ethics for Hendry County are the statutory provisions of Chapter 112, Florida Statutes.

HERNANDO COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

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HERNANDO COUNTY CODE OF ETHICS:

1. The Code of Ethics for Hernando County are the statutory provisions of Chapter 112, Florida Statutes.

HIGHLANDS COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

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HIGHLANDS COUNTY CODE OF ETHICS:

The Code of Ethics for Highlands County are the statutory provisions of Chapter 112, Florida Statutes.

Hillsborough County
Florida

HILLSBOROUGH COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

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Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and
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HILLSBOROUGH COUNTY CODE OF ETHICS:

See the enclosed adopted ordinances and Statement of Ethics.

Sec. 9.03. - Code of Ethics.

The code of ethics for public officers and employees and the penalties for violation thereof as provided by general law or more restrictive ordinance, if any, shall be applicable to all employees and office holders of this county government.

ARTICLE VIII. - CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES

Sec. 2-763. - Conflicts of interest.

Employees of the Office of the County Administrator are prohibited from having any direct or indirect outside business interest, financial or otherwise, engaging in any business transaction, engaging in any professional activity, including outside employment, or incurring any obligation of any nature that is in conflict with the employee's job duties and/or the business of the employee's assigned department.

Further, employees of the County Administrator are specifically prohibited from renting, leasing, or selling any realty, goods, or services to the County, having or holding any employment or contractual relationship with any business entity which is subject to the regulation of, or is doing business with the County, or having or holding any employment or contractual relationship that will create a continuing or frequently recurring conflict between the employee's private interests and the performance of the employee's official public duties or that would impede the full and faithful discharge of said official public duties. Employees of the Office of the County Administrator are required to timely disclose any and all actual or potential conflicts of interest in accordance with the procedures and timelines outlined in this policy.

The procedures to implement this provision will be set out by Administrative Directive.

(Ord. No. 13-17, § 1, 6-19-2013, eff. 6-21-2013)

Sec. 2-764. - Gifts.

A. Employees shall not solicit nor accept gifts from citizens, vendors or co-workers that would cause a reasonably prudent person to be influenced in the discharge of their official public duties.

A gift is defined as anything of value given by a donor for which equal or greater consideration is not returned by or expected from the recipient. Anything of value shall be defined as any item deemed valuable to the recipient and includes; but is not limited to, loans, rewards, or promises of future employment, favors or services.

Examples of such items shall include, but not are limited to:

- Real property or the use of real property. Real property is defined as land or whatever is affixed to land, including buildings and fixtures.

- Tangible or intangible personal property or the use of tangible or intangible personal property. Tangible personal property is defined as property in physical existence and includes goods or anything of value that can be physically possessed. Intangible personal property is defined as property where the value is based upon that which the property represents rather than its own intrinsic value and includes money, stocks and bonds.
- Preferential rate or terms on a debt, loan, goods, or services.
- Forgiveness of indebtedness.
- Food or beverage.
- Membership dues.
- Entrance fees, admission fees, or tickets to events, performances, or facilities.

Gifts over $100.00 in value may not be accepted. However gifts from co-workers may be accepted at any value; but only if, the acceptance of such would not cause a reasonably prudent person to be influenced in the discharge of their official public duties.

If an employee does not have an opportunity to refuse acceptance of a prohibited gift at the time of its delivery, then the recipient must immediately return the gift to the donor. A non-inclusive example of this would be if the gift was mailed. If the gift is a perishable item such as food or flowers, in lieu of returning the gift to the donor, the recipient may transfer the gift to a charity, but must do so immediately upon receipt and notify the donor that the gift was given to the charity.

Value shall mean the actual cost to the donor of the gift or, if the actual cost to the donor cannot be determined, the face value of the gift.

All employees shall abide by the provisions of Chapter 112, Part III of Florida Statutes, Code of Ethics for Public Officers and Employees, as it applies to them.

Where the provisions of this policy are more restrictive than the provisions of the Code of Ethics, the provisions of this policy shall apply. A violation of the Code of Ethics is considered a violation of this policy and shall subject the employee to discipline up to and including termination.

B. Prohibition on receipt of gifts from registered lobbyists.

(a) No lobbyist shall make, directly or indirectly, and no member of the Board of County Commissioners shall knowingly accept, directly or indirectly, any gift. The prohibition of gifts applies only to lobbyists.

(b) A gift is not prohibited when equal or greater value is given contemporaneously by the recipient to the donor. The term "gift" shall have the same meaning as it is defined in F.S. § 112.312(12).

(Ord. No. 13-17, § 2, 6-19-2013, eff. 6-21-2013)

Sec. 2-765. - Employment of relatives.

Employment of family members can cause various problems, including charges of nepotism, favoritism, conflicts of interest, family discord, and scheduling conflicts that work to the disadvantage of both the County and its employees.

This provision applies to all employment decisions including, but not limited to, those concerning new hires, promotions, demotions, transfers, and changes in categories of employment (such as moving from temporary to permanent service) and may be considered and used as a basis to grant or deny any personnel action.

The County may refuse to employ, appoint, promote or transfer any person to a position in the same department, division and/or facility, when his/her relationship to another employee has the potential for creating an adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest.

Whenever an appointment is made, whether on a regular, temporary, fulltime or part-time basis, it shall be made solely with regard to the qualifications of the appointee and subject to the provisions of this policy. These conditions apply to the initial appointment and continuation of employment.

(Ord. No. 13-17, § 3, 6-19-2013, eff. 6-21-2013)

Sec. 2-766. - Representing others before the Board of County Commissioners after leaving office or employment.

(a) *Definitions.* As used in this division:

Compensation means payment or remuneration of any kind for services rendered.

County means the government of Hillsborough County created by and operating

pursuant to the Charter of Hillsborough County.

County officer or *employee* means a County Commissioner, County Administrator, County Attorney, Assistant County Administrator, Assistant County Attorney, and any unclassified employee of the Board of County Commissioners or the County Administrator.

Person or *entity* means any individual, company, corporation, group, organization, association, partnership, limited partnership, agency, or body having an independent existence.

Represent or *representation* means actual physical attendance on behalf of a client in a County proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of the County on behalf of a client.

(b) *Prohibited conduct.* No County Commissioner, County Administrator, or County Attorney who takes office after the effective date of this division (December 14, 1988) shall represent another person or entity for compensation before the County on any matter for a period of two years following vacation of office. No other County officer or employee who takes office or is employed after the effective date of this division (December 14, 1988) shall represent another person or entity for compensation before the Hillsborough County Board of County Commissioners or any department of the County under the County Administrator for a period of two years following vacation of office or termination of employment in connection with:

(1) Any particular matter involving a specific party or parties in which the County is a party or has a direct and substantial interest; and

(2) Any matter in which he or she participated personally and substantially as an officer or employee.

(c) *Exception.* This division shall not bar representation of another person or entity for purposes of collective bargaining.

(d) *Penalties.* The penalties for violation of this division shall be those provided by F.S. § 125.69.

(Ord. No. 13-17, § 4, 6-19-2013, eff. 6-21-2013)

Hillsborough County: Statement of Ethics

As a Hillsborough County employee:
In order to fulfill my role as a public servant I will adhere to legal, professional and trade rules and standards. I will demonstrate and be dedicated to the highest ideals of honor and integrity in all public and personal relationships to merit the respect, trust and confidence of government officials, other public officials, employees, and the public.

1. Responsibility

I will uphold both the letter and the spirit of the United States and Florida Constitutions, Hillsborough County Charter, state and federal statutes, regulations, policies and procedures governing my actions. It is my responsibility to report violations to my supervisor and/or manager.

A. I will be sensitive and responsive to the rights of the public and their changing needs.
B. I will strive to provide the highest quality of performance and service.
C. I will exercise prudence and integrity in the management of funds in my custody and in all financial transactions.

2. Employee Development

I will be responsible for maintaining my own competence, for enhancing the competence of my colleagues, and for providing encouragement to those seeking to use their professional skills to serve the public.

A. I will devote my time, skills and energies to achieving excellence in my job and my department both independently and in cooperation with other professionals.
B. I will abide by approved practices and recommended standards for my line of work.

3. Professional Integrity-Information

I will demonstrate professional integrity in the issuance and management of information.

A. I will not knowingly sign, make any oral or written statement or report which contains any misstatement or which omits any material fact.
B. I will respect and protect privileged information as I respect the right of citizens to access public records and public meetings.
C. I will be sensitive and responsive to inquiries from public officials, the public and the media, within the framework of Hillsborough County policy.

4. Personal Integrity-Relationships

I will act with honor, integrity and virtue in all professional relationships.

A. I will strive to exhibit respect and trust in the affairs and interests of Hillsborough County government.
B. I will not knowingly be a party to, condone or conceal any illegal or improper activity.
C. I will respect the rights, responsibilities and integrity of fellow employees and customers with whom I work and associate.
D. I will manage all matters of supervision within the scope of my authority so that fairness and impartiality govern my decisions.
E. I will promote equal employment opportunities, and shall oppose any discrimination, harassment or other unfair practices.

5. Conflict of Interest

I will actively avoid conflicting interest or even the appearance of a conflict of interest.

A. I will perform my duties without favor.
B. I will refrain from engaging in any outside matters of financial or personal interest incompatible with the impartial and objective performance of my duties.
C. I will not, directly or indirectly, seek or accept personal gain which would influence, or appear to influence, the conduct of my official duties.
D. I will not use public property or resources for personal or political gain.

HOLMES COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

HOLMES COUNTY CODE OF ETHICS:

The Code of Ethics for Holmes County are the statutory provisions of Chapter 112, Florida Statutes.

Indian River County
Board of County Commissioners

ircgov.com

INDIAN RIVER COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
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INDIAN RIVER COUNTY CODE OF ETHICS:

See the enclosed adopted ordinance.

Section 104.06. - Code of ethics and conduct.

(1) This code of ethics is in addition to the requirements of F.S. Ch. 112. Where there is a conflict between F.S. Ch. 112, and this code the more stringent requirement shall apply.

(2) This code shall apply to county commissioners and county employees. The term "person" includes commissioners and county employees. Written requests for interpretative rulings concerning the applicability of this code may be submitted to the county attorney for written reply.

(3) Information concerning any incident or situation in which it appears that a board appointed county employee or county commissioner may have engaged in conduct contrary to this code should be forwarded by complaint affidavit to the state attorney for the Nineteenth Judicial District for his investigation and appropriate action.

(4) A person shall avoid any action, whether or not specifically prohibited by this section, which might result in:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person; or

(c) Making a government decision outside official channels.

(5) (a) Except as provided in paragraph (b) and (c) of this subsection, a person shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from anyone who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the county; or

(2) Conducts operation or activities that are regulated by the county; or

(3) Has interests that may be substantially affected by the performance or nonperformance of the person's official duty; or

(4) Is in any way attempting to affect the person's official actions at the county; or

(5) Is offering anything of monetary value, including food and refreshments, to an employee because of the person's official position.

(b) The prohibitions enumerated in paragraphs (5)(a) and (c) of this section do not apply in the situations enumerated below:

(1)

Where obvious family (such as those between the parents, children, or spouse of the person) or other personal relationships make it clear that it is those relationships rather than the business of the persons concerned which are the motivating factors.

(2) Food and refreshments: Under F.S. Ch. 112, the word "gift" is defined to exclude "food or beverage consumed at a single sitting or event." Pursuant to F.S. § 112.326, it is the purpose of this code to require more stringent county disclosure requirements than provided for in F.S. Ch. 112. Therefore, and notwithstanding any other section or provision of the administrative policy manual to the contrary, county commissioners, and county employees may accept food or beverage consumed at a single sitting or event only if the cost for said food or beverage does not exceed F.S. Ch. 112, rate for the appropriate per diem allowance for said meal. If, under circumstances beyond the control of the donee, the cost exceeds the per diem rate then within five (5) working days of the acceptance, the donee shall file a written disclosure statement with the clerk to the commission on a form provided by said clerk. In addition, food or beverage may be accepted when (i) offered free in the course of a meeting or other group function not connected with an inspection or investigation, at which attendance is desirable because it will assist the person in performing his or her official duties; or (ii) provided to all panelists or speakers when a person is participating as a panelist or speaker in a program, seminar or educational conference.

(3) Loans may be obtained from banks or other financial institutions on customary terms to finance proper and usual activities of persons such as home mortgage loans.

(4) Unsolicited advertising or promotional material such as pens, pencils, note pads, calendars and other items of nominal intrinsic value may be accepted, as well as job related literature.

(5)

Gifts given for participation in a program, seminar or educational conference may be accepted only when such gifts are (i) of nominal intrinsic value (ii)in the nature of a remembrance traditional to the particular sponsoring entity and (iii) provided to all participants in the program.

(6) Contributions or expenditures reported pursuant to F.S. Ch. 112, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.

(7) Awards of nominal value, plaques and dinners given by a civic or business organization to honor individual or groups for meritorious service, acts of heroism, and similar conduct.

(8) Local outings offered to all county employees or with prior approval of the board of county commissioners, units of county employees.

(9) Acceptance of invitations given by organizations as a ceremonial gesture with prior approval of the board of county commissioners needed for events outside the county.

(10) Discounts and other inducements offered by various theme parks and other entertainment interests for all county or state employees.

(11) Free flu shots offered to all county employees.

(12) Ground breaking/grand openings/ribbon cutting and other ceremonial occasions.

(13) Annual holiday parties and open houses.

(c) A person shall not solicit a contribution from another person for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from a person receiving less pay than himself. However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

(6) No county employee may engage in outside employment or other outside activity, with or without compensation, which is in conflict with or otherwise not compatible with the full and proper discharge of his duties and responsibilities to Indian River County. Incompatible activities include but are not limited to:

(1)

Acceptance of a fee, compensation, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in a conflict of interest situation; or

(2) Outside employment which tends to impair his mental or physical capacity to perform his duties and responsibilities in an acceptable manner; or

(3) Outside employment or activities (excluding the publication of articles) which reasonably might be regarded as official actions of the county or which might bring discredit upon the county.

(7) It shall be the duty of each commissioner, board appointed county employee, department head and professional staff member to become familiar with the code of ethics for public officers and employees. To this end, the human resources director or manager shall distribute to each person in the above enumerated categories a current copy of the "Florida Commission on Ethics Guide to the Sunshine Amendment and Code of Ethics for Public and Employees."

(Ord. No. 94-21, § 1, 7-19-94; Ord. No. 95-2, § 1, 1-24-95; Ord. No. 2007-041, § 1, 12-11-07; Ord. No. 2014-005, § 8, 4-1-14)

JACKSON COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

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Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
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JACKSON COUNTY CODE OF ETHICS:

The Code of Ethics for Jackson County are the statutory provisions of Chapter 112, Florida Statutes.

JEFFERSON COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

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JEFFERSON COUNTY CODE OF ETHICS:

The Code of Ethics for Jefferson County are the statutory provisions of Chapter 112, Florida Statutes.

LAFAYETTE COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

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LAFAYETTE COUNTY CODE OF ETHICS:

The Code of Ethics for Lafayette County are the statutory provisions of Chapter 112, Florida Statutes.

LAKE COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
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Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
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LAKE COUNTY CODE OF ETHICS:

The Code of Ethics for Lake County is the Florida Commission on Ethics.

LEE COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
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Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

LEE COUNTY CODE OF ETHICS:

See the enclosed revised Code of Ethics.

Policy:

It is the policy of Lee County through the Board of County Commissioners ("Board") that all Lee County employees are expected to conduct their professional and personal lives in a completely ethical, truthful, and honorable manner in all dealings with the public and other County employees.

All Lee County employees, including the Board's Contract Employees (the County Manager, County Attorney, and Hearing Examiner), will conduct themselves in a professional and personal manner so as to maintain public confidence in their profession, their county government, and the public trust.

Lee County recognizes that it is essential to the proper conduct and operation of government that public officials and employees be independent and impartial and that their public office not be used for private gain other than for the compensation as provided by law. The public interest requires this code protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.

All County employees will conduct their official and personal affairs in such a manner so as to not be improperly influenced by anyone in the performance of their official duties.
Lee County further recognizes that it is also essential that government attract those citizens best qualified to serve. Thus, policies against conflict of interest must be designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve.

To this end, Lee County remains committed to upholding the high standard of ethics for all public officers and employees as set forth in Part III of Chapter 112, Florida Statutes.

206:1 GENERAL

1. No Local Officer as defined by Florida Statutes or employee of Lee County, including the Board's Contract Employees, shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity, or incur any obligation of any nature which is in conflict with the proper discharge of his or her duties in the public interest.

2. The Local Officers and employees of Lee County, including the Board's Contract Employees are agents of the people and hold their positions for the benefit of the public. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government is of foremost concern.

206:2 GIFTS TO COUNTY EMPLOYEES

1. No County employee to include the statutorily defined Local Officers, or member of their families (parent, spouse, child or sibling, father or mother-in-law, or son or daughter-in-law), shall accept a gift of any type, price, or size from any person or firm doing business with Lee County, or any person that intends to do business with Lee County, that if accepted, could reasonably be construed to influence the Local Officer or employee in the discharge of the employee's official duties.

2. In order to avoid any appearances of conflicts of interest, employees are discouraged from accepting any and all gifts from any person or firm doing business with, or regulated by, Lee County. However, under certain circumstances such acceptance of gifts may be permissible in accordance with Chapter 112, Florida Statutes.

3. No person, business or organization shall be allowed to give, nor shall any Local Officer or County employee accept a gift with a value in excess of $100 unless such a gift is accepted on behalf of the County, and which is approved by the supervising Contract Employee prior to its receipt.

4. DEFINITION –

   a) "Gift," for the purposes of ethics in government and financial disclosure required by law, means that which is accepted by a recipient or another on behalf of a recipient, or that given to another for or on behalf of a recipient, directly, indirectly, or in trust for the recipient's benefit or by any other means, for which equal or greater consideration is not given, including:
      i) Real property and/or the use of real property.
      ii) Tangible or intangible personal property and/or the use thereof.
      iii) A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
      iv) Forgiveness of indebtedness.
      v) Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
      vi) Food or beverage.
      vii) Membership dues.
      viii) Entrance fees, admission fees, or tickets to events, performances, or facilities.
      ix) Plants, flowers, or floral arrangements.
      x) Services provided by persons pursuant to a professional license or certificate.
      xi) Other personal services for which a fee is normally charged by the person providing the services.
      xii) Any similar service or item having attributable value not already provided for in this section.

   b) "Gift" does not include:
      i) Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the recipient's employment, business, or service as an officer or director of a corporation or organization.
      ii) Contributions or expenditures reported pursuant to Chapter 106, F.S., campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
      iii) An honorarium or an expense related to an honorarium event paid to a person or the person's spouse (subject to review by the County Manager & County Attorney's Office).
      iv) An award, plaque, certificate, or similar personalized item given in recognition of the recipient's public, civic, charitable, or professional service.

v) An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
vi) The use of a public facility or public property made available by a governmental agency, for a public purpose.
vii) Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.
viii) Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

206:3 PERSONAL INVESTMENTS THAT MAY CONFLICT WITH OFFICIAL DUTIES

This Section concerning financial investments is applicable to all Lee County employees including the Contract Employees (the County Manager, County Attorney, and Hearing Examiner).

"Conflict" or "conflict of interest" means a situation in which regard for a private interest tends to lead to a disregard of the employee's public duty or interest (Florida Statutes, Section 112.312).

1. All Lee County employees are prohibited from holding any investment, directly or indirectly, in any business, or commercial or residential real estate, or other private transaction that would create a conflict of interest with the individual's position in the County, or cause personal gain pursuant to Florida Statutes, based on the individual's "span of control" and decision-making authority on behalf of the County.

2. Because personal investments may prejudice or influence official actions and decisions, all County employees (to include "new hires") are required to immediately report in writing, any financial conflict(s) of interest to the County's Department of Human Resources, which will recommend a course of action, or request a legal opinion from the County Attorney's Office. If an employee disagrees with the recommended course of action from the Department of Human Resources or County Attorney's Office, the employee may file a written appeal to the applicable supervising Contract Employee. The supervising Contract Employee's decision will then be final.

3. Except for the County Attorney, the Contract Employees with a personal conflict of interest will request a legal opinion with respect to the conflict from the County Attorney. Any appeal of that opinion will be brought to the Board of County Commissioners for resolution. In the case of the County Attorney, conflict opinions will be sought directly from either the Florida Attorney General or the Florida Commission on Ethics, as facts and circumstances may dictate.

206:4 ETHICS FOR COUNTY EMPLOYEES

1. No employee of Lee County shall solicit or accept anything of value such as a gift, loan, reward, promise of future employment, favor, or service: based on the understanding that the receipt of such an item of value would influence any official action or judgment of the employee.

2. No employee acting in his or her official capacity shall either directly or indirectly purchase, rent, or lease any real estate, real property, goods, or services for the County from any business entity in which the employee or his/her spouse or any of the children, parents, grandparents, or grandchildren (or any combination thereof) of the employee or his/her spouse is an officer, partner, director, or proprietor; or in which any of the aforementioned parties has a financial interest.

3. No employee acting in his or her private capacity shall rent, lease, or sell any real estate, real property, goods, or services to the County.

4. No employee or his/her spouse or minor child shall, at any time, accept any compensation, payment, or item of value when the employee knows, or with the exercise of reasonable care should know, that it was given to influence any action in which the employee was expected to participate in his official capacity.

5. No employee shall use or attempt to use his or her position, or any property or resource which may be within his/her trust, to secure special privileges, benefits, or exceptions for himself/herself or for others.

6. No employee shall have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict of interest between his/her private interests and the performance of his/her official public duties, or would impede the full and faithful discharge of those public duties.

7. No employee shall accept employment or engage in any business or professional activity which he or she might reasonably expect would require or induce him to disclose confidential information acquired by him/her while working for the County in his/her official position.

8. No employee shall disclose or use information not available to members of the general public and gained while working for the County for his/her personal gain or benefit, or for the personal gain or benefit of any other person or business entity.

9. No employee shall transact any business in his or her official capacity, or advocate or advise any other County employee to transact business, with any business of which he or she is an officer, director, agent, or member, or in which he or she owns any financial interest.

10. No employee shall have personal investments in any enterprise that would create a conflict between his or her private interests and the public's interest.

11. No employee shall hold direct or indirect ownership of more than five percent (5%) of the total assets or capital stock of any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, or trust, whether fictitiously named or not, which is subject to the regulation of, or which conducts business or has business commitments with Lee County.

206:5 ADMINISTRATION OF THE CODE OF ETHICS

1. Where a question arises concerning whether or not any activity conforms to the Code of Ethics, the County Manager, with advice from the Director of Human Resources and the County Attorney as needed, shall decide the question.

2. Any employee wishing to determine whether a proposed activity would be prohibited may document the circumstances of the proposed activity and request an opinion from the Department of Human Resources. Copies of the request and the resulting opinions shall be provided to the department director prior to engaging in the activity.

3. Employees who violate the Code of Ethics as defined herein, or in Chapter 112, Florida Statutes, and in addition to any other criminal or civil penalty that may be imposed, shall be subject to disciplinary action, consisting of one or more of the following:

   a) restitution of any pecuniary benefit from the violation;
   b) civil penalties pursuant to Section 112.317(b) 6 Florida Statutes;
   c) reduction in salary level;
   d) demotion;
   e) suspension from employment for not more than forty (40) working days without pay;
   f) dismissal from County employment.

   Violations of this Code of Ethics by County Contract Employees may be grounds for termination of the Contract Employee for "just cause" as that term may be applied in the individual employment contract(s).

   However, when approved by his or her Department Director as involving no conflict of interest or activity which interferes with his or her County Employment, a County Employee may be a candidate for or hold local public office, unless otherwise prohibited by law.

206:6 POLITICAL ACTIVITY & UNLAWFUL ACTS PROHIBITED

1. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure for any person an appointment or advantage in appointment to a position in Lee County service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration; provided, however, that letters of inquiry, recommendations and references by public employees or public officials shall not be considered political pressure unless any such letter contains a threat or intimidation, or irrelevant, derogatory or false information.

2. No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, promotion, or proposed promotion to, or any advantage in a position in Lee County.

3. As an individual, each employee retains all rights and obligations of citizenship provided in the Constitutions and Laws of the State of Florida and the United States. However, no employee of Lee County shall:
   a) Hold, or be a candidate for elective public service or political office while in the employment of the County or take any active part in a political campaign while on duty or within any period of time during which they are expected to perform services for which they receive compensation from the County. A County Employee may be a candidate for or hold local public office, unless otherwise prohibited by law only after review and

approval by the County Manager and the County Attorney for potential conflicts of interest as defined by Federal law.

b) Wear any uniform or clothing that would tend to identify that employee as a County employee/representative while engaged in political campaign, political event not sponsored by the County or while seeking public political office – even if that employee is off duty.
c) Use the authority of his position to secure support for or oppose any candidate, party, or issue in an election or affect the results thereof.
d) Use any promise of reward or threat of loss to encourage or coerce any employee to support or contribute to any political issue, campaign, or party.
e) Display on their person or vehicle used for official business while on duty or in their workplace any button, sign, decal or other symbol of support for any political party, issue, or candidate for public office.

4. Employees assigned to positions in departments receiving Federal funds or whose salaries are paid from Federal funds are subject to the provisions of the Federal Hatch Act regarding political activities.

5. Any person who violates any provision of this section shall be subject to disciplinary action up to and including dismissal from County employment.

LEON COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

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November 16, 2017, 4:10 p.m. to 5:00 p.m.

LEON COUNTY CODE OF ETHICS:

See the enclosed revised Code of Ethics.

Board of County Commissioners

Leon County, Florida

Policy No. 03-05

Title:	Code of Ethics
Date Adopted:	December 11, 2007
Effective Date:	December 11, 2007
Reference:	Chapter 112, Florida Statutes; Leon County Ordinance No. 07-27 (Lobbyist Regulations)
Policy Superseded:	Amending Policy No. 03-05, "Code of Ethics," adopted February 10, 2004; Amending Policy No. 03-05, "Code of Ethics," adopted March 18, 2003; Superseding Policy No. 02-08, adopted July 30, 2002

Policy No. 03-05, Code of Ethics, adopted by the Leon County Board of County Commissioners on February 10, 2004, is hereby amended to read as follows:

It shall be the policy of the Board of County Commissioners of Leon County, Florida, that this policy shall apply to the members of the Board of County Commissioners and its employees, as well as to all members of appointed boards and committees that have been created by the Board of County Commissioners.

Section 1. Code of Ethics.

This Policy shall be known as the Leon County Code of Ethics.

If any word, phrase, clause, section or portion of this policy shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

This policy shall take effect upon being approved by a majority vote of the Board of County Commissioners.

Section 2. Intent and Purpose.

The proper operation of County government requires that County Commissioners be independent and impartial; that County policy and decisions be made through established processes; that County Commissioners not use public office to obtain private benefit; that County Commissioners avoid actions which create the appearance of using public office to obtain a benefit; and that the public have confidence in the integrity of its County government and County Commissioners.

Section 3. Acknowledgment.

All County Commissioners, upon taking their oath of office to their current term and all current County Commissioners within ten (10) days of the passage hereof, shall submit a signed statement to the County Attorney acknowledging that they have received and read the Leon County Code of Ethics, that they understand it, and that they are bound by it.

All candidates for County Commission, upon qualifying to run for that office, shall submit a signed statement to the Clerk to the Board located at the Clerk of Court's Office, Finance Department, Room 450, 315 South Calhoun Street, Tallahassee, Florida 32301, acknowledging that they have received and read the Leon County Code of Ethics, that they understand it, and that they shall be bound by it upon election to office.

Section 4. Interpretation, Advisory Opinions.

When in doubt as to the applicability and interpretation of the Leon County Code of Ethics, any County Commissioner may request an advisory opinion from the County Attorney's Office. The County Attorney's Office shall keep a file, open to the public, of all written opinions issued and submit a copy of each opinion rendered to every County Commissioner.

Any County Commissioner may request a review by the Board of County Commissioners of any advisory opinion within thirty (30) days of its issuance or it shall become final. A majority vote of the Board of County Commissioners shall be the final determination of said opinion.

Section 5. Definitions.

I. "Advisory body" means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of each agency it serves or $100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.

II. "Agency" means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.

III. "Breach of the public trust" means a violation of a provision of the State Constitution or this part which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or employees in order to avoid conflicts between public duties and private interests, including, without limitation, a violation of s. 8, Art. II of the State Constitution or of this part.

IV. "Business associate" means any person or entity engaged in or carrying on a business enterprise with a public officer, public employee, or candidate as a partner, joint venturer, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property.

V. "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

VI. "Candidate" means any person who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public officer. This definition expressly excludes a committeeman or committeewoman regulated by chapter 103 and persons seeking any other office or position in a political party.

VII. "Commission" means the Commission on Ethics created by s. 112.320 or any successor to which its duties are transferred.

VIII. "Conflict" or "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

IX. "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

X. "Disclosure period" means the taxable year for the person or business entity, whether based on a calendar or fiscal year, immediately preceding the date on which, or the last day of the period during which, the financial disclosure statement required by this part is required to be filed.

XI. "Facts materially related to the complaint at issue" means facts which tend to show a violation of this part or s. 8, Art. II of the State Constitution by the alleged violator other than those alleged in the complaint and consisting of separate instances of the same or similar conduct as alleged in the complaint, or which tend to show an additional violation of this part or s. 8, Art. II of the State Constitution by the alleged violator which arises out of or in connection with the allegations of the complaint.

XII.

A. "Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given within 90 days, including:

1. Real property.
2. The use of real property.
3. Tangible or intangible personal property.
4. The use of tangible or intangible personal property.
5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
6. Forgiveness of indebtedness.
7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
8. Food or beverage.
9. Membership dues.
10. Entrance fees, admission fees, or tickets to events, performances, or facilities.
11. Plants, flowers, or floral arrangements.
12. Services provided by persons pursuant to a professional license or certificate.
13. Other personal services for which a fee is normally charged by the person providing the services.
14. Any other similar service or thing having an attributable value not already provided for in this section.

B. "Gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.

2. Contributions or expenditures reported pursuant to chapter 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.

3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.

4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.

5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.

6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.

7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.

8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

C. For the purposes of paragraph (a), "intangible personal property" means property as defined in s. 192.001(11)(b), Florida Statutes.

D. For the purposes of paragraph (a), the term "consideration" does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts.

XIII. "Indirect" or "indirect interest" means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.

XIV. "Liability" means any monetary debt or obligation owed by the reporting person to another person, entity, or governmental entity, except for credit card and retail installment. accounts, taxes owed unless reduced to a judgment, indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, or accrued income taxes on net unrealized appreciation. Each liability which is required to be disclosed by s. 8, Art. II of the State Constitution shall identify the name and address of the creditor.

XV. "Material interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of this act, indirect ownership does not include ownership by a spouse or minor child.

XVI. "Materially affected" means involving an interest in real property located within the jurisdiction of the official's agency or involving an investment in a business entity, source of income or a position of employment, office, or management in any business entity located within the jurisdiction or doing business within the jurisdiction of the official's agency which is or will be affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.

XVII. "Ministerial matter" means action that a person takes in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person's own judgment or discretion as to the propriety of the action taken.

XVIII. "Parties materially related to the complaint at issue" means any other public office or employee within the same agency as the alleged violator who has engaged in the same conduct as that alleged in the complaint, or any other public officer or employee who has participated with the alleged violator in the alleged violation as a coconspirator or as an aider and abettor.

XIX. "Person or business entities provided a grant or privilege to operate" includes state and federally chartered banks, state and federal savings and loan associations, cemetery companies, insurance companies, mortgage companies, credit unions, small loan companies, alcoholic beverage licensees, pari-mutuel wagering companies, utility companies, and entities controlled by the Public Service Commission or granted a franchise to operate by either a city or county government.

XX. "Purchasing agent" means a public officer or employee having the authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for an agency, as opposed to the authority to request or requisition a contract or purchase by another person.

XXI. "Relative," unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

XXII. "Represent" or "representation" means actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.

XXIII. "Source" means the name, address, and description of the principal business activity of a person or business entity.

XXIV. "Value of real property" means the most recently assessed value in lieu of a more current appraisal.

Section 6. Standards of Conduct.

I. Definitions. As used in this Section, unless the context otherwise requires, the following terms shall be defined as follows:

A. "County Officer" shall include any person elected or appointed to hold office in the Leon County government, including any person serving on an advisory body.

B. "County Commissioner" shall include any member of the Leon County Board of County Commissioners.

C. "County Employee" shall include any person employed by the Leon County Board of County Commissioners.

II. Solicitation or Acceptance of Gifts. No County Officer or County Employee shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the County Officer, County Employee, local government attorney, or candidate would be influenced thereby.

III. Doing Business with One's Agency. No County Employee acting in his or her official capacity as a purchasing agent, or County Officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the County Officer or County Employee or the County Officer's or County Employee's spouse or child is an officer, partner, director, or proprietor or in which such County Officer or County Employee or the County Officer's or County Employee's spouse or child, or any combination of them, has a material interest. Nor shall a County Officer or County Employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the County. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

A. October 1, 1975.

B. Qualification for elective office.

C. Appointment to public office.

D. Beginning public employment.

IV. Unauthorized Compensation. No County Officer or County Employee or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such County Officer, or County Employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the County Officer or County Employee was expected to participate in his or her official capacity.

V. Salary and Expenses. No County Commissioner shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a County Officer, as provided by law. The County Attorney shall not be prevented from considering any matter affecting his or her salary, expenses, or other compensation as the local government attorney, as provided by law.

VI. Misuse of Public Position. No County Officer or County Employee shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31, Florida Statutes.

VII. Conflicting Employment or Contractual Relationship.

A. No County Officer or County Employee shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, Leon County, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall a County Officer or County Employee have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

If the Leon County Board of County Commissioners exercises regulatory power over a business entity residing in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a County Officer or County Employee shall not be prohibited by this subsection or be deemed a conflict.

B. This subsection shall not prohibit a County Officer or County Employee from practicing in a particular profession or occupation when such practice is required or permitted by law or ordinance.

VIII. Disclosure or Use of Certain Information. No County Officer or County Employee shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

IX. Post-Employment Restrictions; Standards of Conduct. No County Officer or County Employee shall personally represent another person or entity for compensation before Leon County Board of County Commissioners for a period of 2 years following vacation of office.

X. County Employees Holding Office.

A. No County Employee shall hold office as a member of the Leon County Board of County Commissioners while, at the same time, continuing as a County Employee.

B. The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his or her conflicting employment prior to seeking reelection or accepting reappointment to office.

C. Exemption. The requirements of Subsection III, "Doing Business With One's Agency," and Subsection VII, "Conflicting Employment or Contractual Relationship," as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing entity and full disclosure of the transaction or relationship by the appointee to the appointing entity. In addition, no person shall be held in violation of Subsection III, "Doing Business With One's Agency," and Subsection VII, "Conflicting Employment or Contractual Relationship" if:

1. Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.

2. The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:

a. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder.

b. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

c. The official, prior to or at the time of the submission of the bid, has filed a statement with the County.

3. The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.

4. An emergency purchase or contract which would otherwise violate a provision of Subsection III, "Doing Business with One's Agency," and Subsection VII, "Conflicting Employment or Contractual Relationship," must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.

5. The business entity involved is the only source of supply within the political subdivision of the County Officer or County Employee and there is full disclosure by the County Officer or County Employee of his or her interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.

6. The total amount of the transactions in the aggregate between the business entity and the agency does not exceed $500 per calendar year.

7. The fact that a County Officer or County Employee is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of Leon County, provided it appears in the record that the Board of County Commissioners has determined that such County Officer or County Employee has not favored such bank over other qualified banks.

8. The County Officer or County Employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with Leon County.

9. The County Officer or County Employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of Leon County and:

   a. The price and terms of the transaction are available to similarly situated members of the general public; and

   b. The County Officer or County Employee makes full disclosure of the relationship to the Board of County Commissioners prior to the transaction.

XI. Additional Exemption. No County Officer or County Employee shall be held in violation of Subsection III, "Doing Business With One's Agency," or Subsection VII, "Conflicting Employment or Contractual Relationship," if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with Leon County, and:

A. The County Officer's employment is not directly or indirectly compensated as a result of such contract or business relationship;

B. The County Officer has in no way participated in the County's decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with County Officers or County Employees, or otherwise; and

C. The County Officer abstains from voting on any matter which may come before the Board of County Commissioners involving the officer's employer, publicly states to the assembly the nature of the County Officer's interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s.112.3143, Florida Statues.

XII. Non-Interference in County Real Estate Transactions. The following provisions are intended to assure the integrity of the competitive bidding process is preserved, agreements are negotiated at arms-length and consistently enforced, and that no County Commissioner utilizes his or her position or any property within his or her trust, to secure a special privilege, benefit, or exemption for himself, herself, or others.

A. Definitions. As used in this subsection, unless the context otherwise requires, following terms shall be defined as follows:

1. "County Real Estate Transaction" shall include any existing or proposed real estate transaction in which Leon County is involved as either a buyer, seller, lessee, lessor, or is otherwise involved as a party.

2. "Communicate" or "Communication" shall include one-on-one meetings, discussions, telephone calls, e-mails, and the use of other persons to convey information or receive information.

3. "Property Manager" shall mean the individual or entity retained by the Board of County Commissioners to lease and manage any County-owned property.

B. Restricted Communication With Parties to County Real Estate Transactions.

1. No County Commissioner shall knowingly communicate with any individual or entity, or their employees, officers, or agents, involved as a party in any County Real Estate Transaction, unless the communication is:

   a. Part of the transactional process expressly described in a request for bids or other such solicitation invitation;

   b. Part of a noticed meeting of the Board of County Commissioners; or

   c. Incidental and does not include any substantive issues involving a County Real Estate Transaction in which such individual or entity is a party.

2. Any Board member who receives a communication in violation of this sub-section shall place in the record at the next regular meeting of the Board of County Commissioners, the following:

   a. Any and all such written communications;

   b. Memoranda stating the substance of any and all such oral communications; and

   c. Any and all written responses to such communications, and memoranda stating the substance of any and all oral responses thereto.

C. Restricted Communication With County Employees and Property Manager.

1. No County Commissioner shall directly or indirectly coerce or attempt to coerce the County Administrator, the County Attorney, any other County Employee, or the Property Manager, with respect to any County Real Estate Transaction.

2. In accordance with the Board of County Commissioners Policy No. 03-01 and the Leon County Administrative Code, the County Administrator or his designee shall be responsible for the management of any County-owned property, including the enforcement and termination of lease and license agreements. Except for the purpose of inquiry, County Commissioners shall not communicate directly or indirectly, give directions or otherwise interfere with these property management responsibilities.

3. Any communication outside a noticed meeting of the Board of County Commissioners between a County Commissioner, or their Aide, and the County Administrator, the County Attorney, any County Employee, and/or the Property Manager, which communication involves a substantive issue in a County Real Estate Transaction, shall be summarized in writing no later than three (3) working days after the communication (the Communication Summary), as follows:

   a. While it is preferred that the template provided on the County intranet is utilized for the Communication Summary, another form of effective written communication, such as e-mail, is acceptable.

   b. The Communication Summary shall include, at a minimum, the name of the persons involved in the communication, the date of the communication, the subject matter of the communication, and the way in which the communication was ended. The Communication Summary may also include the remarks of the persons involved.

4. The completed Communication Summary shall be forwarded to the Chairperson of the Board of County Commissioners, unless the communication involved the Chairperson in which case it shall be forwarded to the Vice-Chairperson, and a copy of the Communication Summary shall be forwarded to the County Administrator and the County Attorney.

Section 7. Voting Conflicts.

I. As used in this section:

   A. "County Officer" includes any person elected or appointed to hold office in the Leon County government, including any person serving on an advisory body.

   B. "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

   C. No County Officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2), Florida Statutes; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the County Officer. Such County Officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

D. No appointed County Officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the County Officer, without first disclosing the nature of his or her interest in the matter.

1. Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

2. In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

3. For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

E. Whenever a county officer or former county officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

Section 8. Use of Office for Political Campaigns or Personal Matters.

Use of Leon County resources, including but not limited to material goods and the use of office staff and/or County personnel, for either political campaign purposes or other personal matters, is strictly forbidden.

Section 9. Investigation and Prosecution of Alleged Violation of Code of Ethics.

The investigation and prosecution of any alleged violation of this Code of Ethics shall be in accordance with the Florida Statutes or local ordinances.

Section 10. Conflicts Between this Policy and Florida Statutes.

The Florida Statutes shall apply in the event of any conflict between this adopted policy and the Florida Statutes.

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LEVY COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

LEVY COUNTY CODE OF ETHICS:

The Code of Ethics for Levy County are the statutory provisions of Chapter 112, Florida Statutes.

Liberty County, Florida

LIBERTY COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
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November 16, 2017, 4:10 p.m. to 5:00 p.m.

LIBERTY COUNTY CODE OF ETHICS:

The Code of Ethics for Liberty County are the statutory provisions of Chapter 112, Florida Statutes.

MADISON COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

MADISON COUNTY CODE OF ETHICS:

The Code of Ethics for Madison County are the statutory provisions of Chapter 112, Florida Statutes.

MANATEE COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
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November 16, 2017, 4:10 p.m. to 5:00 p.m.

MANATEE COUNTY CODE OF ETHICS:

See the enclosed adopted Code of Ethics for Officers and Employees.

X. Code Of Ethics For Officers And Employees

1. Officer and Employee Ethics: Officers and employees are required to conduct the affairs of the County in an ethical manner in accordance with the Code of Ethics for Public Officers and Employees (Florida Statutes 112.311 - 112.326), including, but not limited to, the following:

   a. Duties and obligations will be discharged in a manner that reflects credibility upon the County. Conduct that gives the appearance that decisions and actions are motivated by personal relationships or for personal gain do not meet the standards of conduct for employees under the Policy.

   b. In conducting the affairs of the County, no employee shall seek or assure a favorable decision or service by any person or entity, public or private, through acceptance of gifts, loans, favors, or any other form of unethical or unlawful conduct.

   c. Employees shall not be employed or accept employment with any business entity or agency or engage in a professional activity which might result in a conflict of interest or cause/require the employee to disclose confidential information acquired as a result of his/her official capacity with the County. Approval of secondary employment shall be obtained as provided for in section XVII of this Policy.

   d. No County officer or employee shall solicit or accept anything of value to the recipient such as a gift (including Christmas gift), favor, loan, reward, promise of future employment, preferred service, benefit, or concession that would reasonably tend to improperly influence the officer or employee in the discharge of his or her official duties or give the appearance of improperly influencing the officer or employee.

   e. No County officer or employee shall disclose/use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

   f. No County officer or employee shall transact, or solicit to transact any business in his or her official capacity with any business entity of which the officer or employee, or his or her spouse or child is an officer, director, agent, or member, or in which the officer or employee or his/her spouse or child owns a financial interest, or otherwise has any material interest therein. Nor shall a County officer or employee, acting in a private capacity, transact or solicit to transact any business with the County, or with any of its subdivisions or agencies.

   g. No County officer or employee shall have personal investments in any business which would reasonably create a conflict between his or her private interests and the County's interest.

   h. No County officer or employee or his or her spouse or minor child shall, at any time, accept any compensation, payment or thing of value when he or she knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his or her official capacity.

i. No County officer or employee shall have or hold any employment or contractual relationship with any business entity or agency which is subject to the regulation of, or is doing business with the County, or any part of the County of which he or she is an officer or employee. Nor shall any County officer or employee have or hold any employment or contractual relationship which will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties, or that would impede the full and faithful discharge of his or her public duties.

j. Violations of the Code of Ethics for Public Officers and Employees are violations of State law and can result in fines, removal from employment, and criminal conviction; as well as in discipline including discharge from County employment.

2. Certain County public officers and employees, including "Local Officers," "Procurement Employees," "Legislative Analysts," and those who are required by law to file either limited financial disclosure forms (Form 1), or full financial disclosure forms (Form 6), are under more stringent requirements, especially with regard to the acceptance of gifts and honoraria.

3. County employees are encouraged to seek guidance from the County Attorney and/or the Human Resources Department if there is any question whatsoever about the propriety of any contemplated action prior to such action being undertaken. A copy of the statutory Code of Ethics may be obtained by contacting the County Attorney's Office. Employees may also request, through their department directors, a formal request for an opinion from the Florida Commission on Ethics in Tallahassee. Such requests shall be directed to the County Attorney's Office, which shall formulate the request and be the point of contact with the Commission.

4. Procedures Upon Offering of Group Gift-From time to time, including during holidays, County departments, divisions, crews or individuals may receive or be offered gifts including gift certificates, baskets, tickets, food, or other items of value, from developers, vendors, contractors, lobbyists and other persons who conduct, have conducted, or seek to conduct business with Manatee County. In such instances, such gifts or offers should be reported to the County Administrator's Office so that the gift or offer may be evaluated under the applicable ethics laws. In cases where it is determined that a gift or offer may not be accepted, the gift will be returned or offer declined. Nothing herein, however, prevents any person from presenting a gift to Manatee County government, which gift may be accepted on behalf of the government by the Board of County Commissioners and used at its sole direction.

5. No current employee of Manatee County may serve on any Manatee County board, commission, task force or other body, nor hold any other office of County government, including advisory bodies. Nothing herein shall be interpreted as preventing employees from holding any office of any other governmental entity, or from serving on the board of directors of any corporation, so long as no other ethical conflict prevents such service.

6. Employees who may wish to disclose information concerning alleged violations of law or gross mismanagement, malfeasance, waste of public funds or neglect of duty by a County agent, official or contractor must follow the procedures outlined in the County's Whistle-Blower Ordinance, which are at § 2-2-260 through § 2-2-264 of the Manatee County Code.

Job Openings

Quick Links

- HR Staff Contacts
- Apply For a Job
- Job Descriptions & Pay Tables
- FY16-17 Pay Scales with Min. and Max (PDF, 272 KB)
- Other Possible Sources of Employment
- FRS Retirement Info
- Employee Benefits At A Glance
- Sick Leave Bank Program for Employees
- Employee Training Descriptions
- Policies
- Questions/Comments
- HIPAA Notice (PDF, 151 KB)

Personnel Policy Quick Links

Information for...

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MARION COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

MARION COUNTY CODE OF ETHICS:

The Code of Ethics for Marion County are the statutory provisions of Chapter 112, Florida Statutes.

MARTIN COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

MARTIN COUNTY CODE OF ETHICS:

The Code of Ethics for Martin County are the statutory provisions of Chapter 112, Florida Statutes. Martin County is currently revising their Board of County Commissioners' Rules of Conduct.

MIAMI-DADE COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

MIAMI-DADE COUNTY CODE OF ETHICS:

See the enclosed adopted ordinances, Highlights of the Miami-Dade County Ethics Code, Miami-Dade Commission on Ethics and Public Trust By-Laws and Rules of Procedure.

Sec. 2-11.1. – Miami-Dade County Conflict of Interest and Code of Ethics Ordinance. (January 2016)

(a) Designation. This section shall be designated and known as the "Miami-Dade County Conflict of Interest and Code of Ethics Ordinance." This section shall be applicable to all County personnel as defined herein, and shall also constitute a minimum standard of ethical conduct and behavior for all municipal officials and officers, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel and employees of municipalities in the County insofar as their individual relationships with their own municipal governments are concerned. References in the section to County personnel shall therefor be applicable to municipal personnel who serve in comparable capacities to the County personnel referred to. (Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-27, § 1, 3-20-73)

(b) Definitions. For the purposes of this section the following definitions shall be effective:

(1) The term "Commissioners" shall refer to the Mayor and the members of the Board of County Commissioners as duly constituted from time to time.

(2) The term "autonomous personnel" shall refer to the members of semi-autonomous authorities, boards, and agencies as are entrusted with the day to day policy setting, operation and management of certain defined County functions or areas of responsibility, even though the ultimate responsibility for such functions or areas rests with the Board of County Commissioners.

(3) The term "quasi-judicial personnel" shall refer to the members of the Community Zoning Appeals Board and such other boards and agencies of the County as perform quasi-judicial functions.

(4) The term "advisory personnel" shall refer to the members of those County advisory boards and agencies whose sole or primary responsibility is to recommend legislation or give advice to the Board of County Commissioners.

(5) The term "departmental personnel" shall refer to the Manager, his or her department heads, the County Attorney and all Assistant County Attorneys.

(6) The term "employees" shall refer to all other personnel employed by the County.

(7) The term "compensation" shall refer to any money, gift, favor, thing or value or financial benefit conferred in return for services rendered or to be rendered.

(8) The term "controlling financial interest" shall refer to ownership, directly or indirectly, to ten (10) percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten (10) percent or more in a firm, partnership, or other business entity.

(9) The term "immediate family" shall refer to the spouse, domestic partner, parents, stepparents, children and stepchildren of the person involved.

(10) The term "transact any business" shall refer to the purchase or sale by the County of specific goods or services for a consideration.

(11) The term "Ethics Commission" shall refer to the Miami-Dade County Commission on Ethics and Public Trust.

(12) The term "domestic partner" shall mean a person who is a party to a valid domestic partnership relationship as described in section 11A-72(b)(1),(2), (3), (4) and (6) of the Code.

(13) The term "contract staff' shall mean any employee and/or principal of an independent contractor, subcontractor (of any tier), consultant or sub-consultant (of any tier), designated in a contract with the County as a person who shall be required to comply with the provisions of Subsections 2-11.1(g), (h), (j), (l), (m), (n) and (o) of the Conflict of Interest and Code of Ethics Ordinance. Prior to determining whether to designate a person as contract staff in a RFP, RFQ, bid or contract, the Mayor or his or her designee shall seek a recommendation from the Executive Director of the Ethics Commission.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-23, § 1, 3-20-73; Ord. No. 86-24, § 3, 4-1-86; Ord. No. 10-48, § 1, 7-8-10)

(c) Prohibition on transacting business within the County.

(1) No person included in the terms defined in subsection (b)(1) through (6) and in subsection (b)(9) shall enter into any contract or transact any business, except as provided in subsections (c)(2) through (c)(6) in which he or she or a member of his or her immediate family has a financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. Willful violation of this subsection shall constitute malfeasance in office and shall effect forfeiture of office or position.

(2) County employees' limited exclusion from prohibition on contracting with the county. Notwithstanding any provision to the contrary herein, subsections (c) and (d) shall not be construed to prevent any employee as defined by subsection (b)(6) [excluding departmental personnel as defined by subsection (b)(5)] or his or her immediate family as defined by subsection (b)(9) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County, as long as (1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, (2) the employee has not participated in determining the subject contract requirements or awarding the contract, and (3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County, if the employee works in the county department which will enforce, oversee or administer the subject contract.

(3) Limited exclusion from prohibition on autonomous personnel, advisory personnel and quasi-judicial personnel contracting with county. Notwithstanding any provision to the contrary herein, subsections (c) and (d) shall not be construed to prohibit any person defined in subsection (b)(2), (b)(3) and (b)(4) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the board member or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County. However, any person defined in subsection (b)(2), (b)(3) and (b)(4) is prohibited from contracting with any agency or department of Miami-Dade County subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the board of which the person is a member.

(4) Any person defined in subsections (b)(2) through (b)(4) and subsection (b)(6) shall seek a conflict of interest opinion from the Miami-Dade County Commission on Ethics and Public Trust ("the Ethics Commission") prior to submittal of a bid, response, or application of any type to contract with the County by the person or his or her immediate family. A request for a conflict of interest opinion shall be made in writing and shall set forth and include all pertinent facts and relevant documents. If the Ethics Commission finds that the requirements of this section pertaining to exclusions for persons defined in subsections (b)(2) through (b)(4) and subsection (b)(6) are not met and that the proposed transaction would create a conflict of interest, the person defined in subsections (b)(2), (b)(3), (b)(4) or (b)(6) may request a waiver from the Board of County Commissioners within ten (10) days of the Ethics Commission opinion by filing a notice of appeal to the Ethics Commission. The Ethics Commission shall forward the notice of appeal and its opinion and any pertinent documents to the Clerk of the Board of County Commissioners (the "Clerk") forthwith. The Clerk shall place the request on the commission agenda for consideration by the Board. The Board of County Commissioners may grant a waiver upon an affirmative vote of two-thirds (2/3) of the entire Board of County Commissioners, after public hearing, if it finds

that the requirements of this ordinance pertaining to the exclusion for a County employee from the Code have been met and that the proposed transaction will be in the best interest of the County. The Board of County Commissioners may, as provided in subsection (c)(6), grant a waiver to any person defined in subsection (b)(2) through (b)(4) regarding a proposed transaction. Such findings shall be included in the minutes of the board. This subsection shall be applicable only to proposed transactions, and the Board may in no case ratify a transaction entered into in violation of this subsection.

If the affected person or his or her immediate family member chooses to respond to a solicitation to contract with the County, such person shall file with the Clerk a statement in a form satisfactory to the Clerk disclosing the person's interest or the interest of his or her immediate family in the proposed contract and the nature of the intended contract at the same time as or before submitting a bid, response, or application of any type to contract with the County. Along with the disclosure form, the affected person shall file with the Clerk a copy of his or her request for an Ethics Commission opinion and any opinion or waiver from the Board. Also, a copy of the request for a conflict of interest opinion from the Ethics Commission and any opinion or waiver must be submitted with the response to the solicitation to contract with the County.

Notwithstanding any provision herein to the contrary, the County and any person or agency acting for Miami-Dade County shall not award a contract to any person defined in subsections (b)(2) through (b)(4) and subsection (b)(6) or his or her immediate family individually or through a firm, corporation, partnership or business entity in which the person or any member of his or her immediate family has a controlling financial interest, unless the Ethics Commission has rendered an opinion that entering the contract would not be a conflict of interest or the Board waives the conflict in accordance with the provisions of this ordinance.

The County Manager is directed to include language in all solicitations for county contracts advising persons defined in subsections (b)(2) through (b)(4) and subsection (b)(6) of the applicable conflict of interest code provisions, the provisions of this ordinance, including the requirement to obtain an Ethics Commission opinion and make disclosure, and the right to seek a legal opinion from the State of Florida Ethics Commission regarding the applicability of state law conflict of interest provisions.

(5) Nothing herein shall prohibit or make illegal (1) the payment of taxes, special assessments or fees for services provided by County government; (2) the purchase of bonds, anticipation notes or other securities that may be issued by the County through underwriters or directly from time to time; (3) the participation of the persons included in the terms defined in subsection (b)(1) through (6), except for employees of the general services administration and their "immediate family" as defined in (b)(9), in the public auction process utilized by the County for the disposal of surplus motor vehicles; (4) the purchase of surplus personal property, pursuant to administrative order, by persons defined in subsection (b)(1) through (6) and (9); (5) an application for direct assistance from the Miami-Dade County Department of Housing and Urban Development or an application to participate in a program administered by the Department of Special Housing has been submitted by an applicant who is a County person as defined in subsection (b) and who would but for this section be eligible for such assistance from said department; provided, however, that the exception provided in this paragraph shall not extend to an employee of the Miami-Dade County Department of Housing and Urban Development or the Department of Special Housing who participates in the administration of said programs; or (6) and application to participate in a single-family mortgage loan program sponsored by the Housing Finance Authority of Miami-Dade County, has been submitted by a County person as defined in subsection (b), and would but for this section be eligible for participation in said program; provided, however, that the exception provided in this paragraph shall not extend to an employee of the Miami-Dade County Finance Department who participates in the administration of said single-family mortgage loan program.

(6) Extension of waiver to county commissioners, autonomous personnel, quasi-judicial personnel, and advisory personnel. The requirements of this subsection may be waived for a particular transaction only by affirmative vote of two-thirds of the entire Board of County Commissioners,

after public hearing. Such waiver may be affected only after findings by two-thirds of the entire Board that:

(1) An open-to-all sealed competitive bid has been submitted by a County person as defined in subsection (b)(2), (3) and (4), or

(2) The bid has been submitted by a person or firm offering services within the scope of practice of architecture, professional engineering, or registered land surveying as defined by the laws of the State of Florida and pursuant to the provisions of the Consultants' Competitive Negotiation Act, and when the bid has been submitted by a County person defined in subsection (b)(2), (3) and (4), or

(3) The property or services to be involved in the proposed transaction are unique and the County cannot avail itself of such property or services without entering a transaction which would violate this subsection but for waiver of its requirements, or

(4) That the property or services to be involved in the proposed transaction are being offered to the County at a cost of no more than 80 percent of fair market value based on a certified appraisal paid for by the provider, and

(5) That the proposed transaction will be to the best interest of the County.

Such findings shall be spread on the minutes of the Board. This subsection shall be applicable only to prospective transactions, and the Board may in no case ratify a transaction entered in violation of this subsection.

Provisions cumulative. This subsection shall be taken to be cumulative and shall not be construed to amend or repeal any other law pertaining to the same subject matter. (Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-24, § 1, 3-20-73; Ord. No. 73-45, § 1, 5-1-73; Ord. No. 75-91, § 1, 11-4-75; Ord. No. 75-119, § 1, 12-16-75; Ord. No. 79-85, § 1, 10-16-79; Ord. No. 80-33, § 1, 5-6-80; Ord. No. 85-84, § 1, 10-1-85; Ord. No. 85-98, § 1, 11-5-85; Ord. No. 87-58, § 1, 9-1-87; Ord. No. 88-102, § 1, 10-18-88; Ord. No. 91-113, § 1, 10-1-91; Ord. No. 00-1, § 1, 1-13-00; Ord. No. 00-151, § 1, 11-28-00)

(d) Further prohibition on transacting business with the County. No person included in the terms defined in subsections (b)(1) through (6) and in subsection (b)(9) shall enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he or any member of his immediate family has a controlling financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. The remaining provisions of subsection (c) will also be applicable to this subsection as though incorporated herein by recitation.

Additionally, no person included in the term defined in subsection (b)(1) shall vote on or participate in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor, or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally. Any person included in the term defined in subsection (b)(1) who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the Board of County Commissioners shall absent himself or herself from the Commission meeting during the discussion of the subject item and shall not vote on or participate in any way in said matter. (Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-45, § 2, 5-1-73; Ord. No. 86-11, § 1, 2-18-86; Ord. No. 86-24, § 1, 4-1-86)

(e) Gifts.

(1) Definition. The term "gift" shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise, or in any other form, without adequate and lawful consideration. Food and beverages consumed at a single

sitting or meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift.

(2) Exceptions. The provisions of subsection (e)(1) shall not apply to:

a. Political contributions specifically authorized by State law;

b. Gifts from relatives or members of one's household;

c. Awards for professional or civic achievement;

d. Material such as books, reports, periodicals or pamphlets which are solely informational or of an advertising nature;

e. Gifts solicited by County employees or departmental personnel on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business;

f. Gifts solicited by Commissioners on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business;

g. Gifts solicited by Commissioners, or their staff members, on behalf of any nonprofit organization for use solely by that organization where neither the Commissioner, nor his or her staff receives any compensation as a result of the solicitation. As used in this subsection, a "nonprofit organization" shall mean any entity described in section 501(c)(3) of the Internal Revenue Code (the "Code") that is tax exempt under section 501(a) of the Code. As used in this subsection, "compensation" means any money, gift, favor, political contribution, thing of value or other financial benefit.

(3) Prohibitions. A person described in subsection (b)(1) through (6) shall neither solicit nor demand any gift. It is also unlawful for any person or entity to offer, give or agree to give to any person included in the term defined in subsection (b)(1) through (6) or for any person included in the term defined in subsection (b)(1) through (6) to accept or agree to accept from another person or entity, any gift for or because of:

a. An official public action taken, or to be taken, or which could be taken;

b. A legal duty performed or to be performed, or which could be performed; or

c. A legal duty violated or to be violated, or which could be violated by any person included in the term defined in subsection (b)(1).

(4) Disclosure. Any person included in the term defined in subsection (b)(1) through (6) shall disclose as provided herein any gift, or series of gifts from any one person or entity, having a value in excess of one hundred dollars ($100.00). Said disclosure shall be made by filing a copy of the disclosure form required by Chapter 112, Florida Statutes, for "local officers" with the Clerk of the Board of County Commissioner simultaneously with the filing of the form with the Secretary of State.

(Ord. No. 78-82, § 1, 11-21-72; Ord. No. 86-25, § 1, 4-1-86; Ord. No. 87-70, § 1, 10-20-87; Ord. No. 91-62, § 1, 6-4-91; Ord. No. 99-124, § 1, 2-11.1; Ord. No. 99-145, § 1, 10-19-99; Ord. No. 10-48, § 1, 7-8-10)

(f) Compulsory disclosure by employees of firms doing business with the County. Should any person included in the terms defined in subsections (b)(1) through (6) be employed, either himself or herself or through a member of his or her immediate family, by a corporation, firm, partnership or business entity in which he or she does not have a controlling financial interest, and should the said corporation, firm, partnership or business entity have substantial business commitments to or from the County or any County agency, or be subject to direct regulation by the County or a County agency, then said person shall file a sworn statement disclosing such employment and interest with the Clerk of the Circuit Court in and for Miami-Dade County.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 10-48, § 1, 7-8-10)

(g) Exploitation of official position prohibited. No person included in the terms defined in subsection (b)(1) through (6) and (b)(13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 10-48, § 1, 7-8-10)

(h) Prohibition on use of confidential information. No person included in the terms defined in subsection (b)(1) through (6) and (b)(13) shall accept employment or engage in any business or professional activity which he or she might reasonably expect would require or induce him or her to disclose confidential information acquired by him or her by reason of his or her official position, nor shall he or she in fact ever disclose confidential information garnered or gained through his or her official position with the County, nor shall he or she ever use such information, directly or indirectly, for his or her personal gain or benefit.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 10-48, § 1, 7-8-10)

(i) Financial disclosure.

(1) All persons and firms included within subsections (a) and (b)(2), (3) and (4) of this section shall file, no later than 12:00 noon of July 1st of each year including the July 1st following the last year that person is in office or held such employment, one (1) of the following:

a. A copy of that person's or firm's current federal income tax return; or

b. A current certified financial statement on a form of the type approved for use by State or national banks in Florida listing all assets and liabilities having a value in excess of one thousand dollars ($1,000.00) and a short description of each; or

c. An itemized source of income statement, under oath and on a form approved by the County for said purpose.

Compliance with the financial disclosure provisions of Chapter 112 (Part III), Florida Statutes, as amended, or with the provisions of Article II, Section 8 of the Florida Constitution, as amended by the voters on November 2, 1976, and any general laws promulgated thereunder, shall constitute compliance with this section.

(2) County and municipal personnel. The following County personnel shall comply with the filing requirements of subsection (i)(1) above: The Mayor and members of the Board of County Commissioners; County Attorney and Assistant County Attorneys; County Manager; Assistant County Manager(s); Special Assistant(s) to the County Manager; heads or directors of County departments and their assistant or deputy department heads; employees of the Miami-Dade Police with the rank of captain, major and chief; Building and Zoning Inspectors. References herein to specified County personnel and Boards shall be applicable to municipal personnel and Boards that serve in comparable capacities to the County personnel and Boards referred to.

(3) Candidates for County and municipal office. All candidates for County and municipal elective office shall comply with the filing requirements of subsection (i)(1) above at the same time that candidate files qualifying papers.

(4) Consultants. All persons or firms providing professional services as defined by Section 2-10.4(1)(a) and (b) of the Code of Miami-Dade County, to Miami-Dade County or any municipalities, their agencies, or instrumentalities, shall comply with the filing requirements of subsection (i)(1) above within ninety (90) days of the effective date hereof. All persons or firms

subsequent to the effective date of this section, which engage in competitive negotiation with Miami-Dade County or any of its municipalities, their agencies or instrumentalities under and pursuant to Section 2-10.4 of the Code of Miami-Dade County shall comply with the reporting requirements of subsection (i)(1) of this section within thirty (30) days of execution of a contract arising out of said competitive negotiations and prior to any payments from said County, municipalities or other agencies or instrumentalities. Failure to comply with the terms hereof by such persons or firms shall render existing contracts voidable and shall automatically void any contracts negotiated and executed subsequent to the effective date of this section where the required information is not furnished within thirty (30) days of the execution of said contract as noted herein.

(5) Reports; filing. All documents required to be filed hereunder by County persons or consultants shall be filed with the supervisor of elections. Documents required to be filed hereunder by municipal persons or consultants shall be filed with the municipal Clerk of that entity.

(6) Public disclosure. All documents filed pursuant to this subsection shall constitute public records within the meaning of Chapter 119, Florida Statutes.

(7) Construction. The construction of this subsection shall be considered as supplemental to and not in substitution of any requirements of Chapter 112, Florida Statutes, or any rules and regulations promulgated thereunder.

(Ord. No. 77-13, § 1, 3-1-77; Ord. No. 83-18, § 1, 4-19-83; Ord. No. 84-39, § 1, 5-15-84)

(j) Conflicting employment prohibited. No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 2, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

(k) Prohibition on outside employment.

(1) No person included in the terms defined in subsections (b)(5) [departmental personnel] and (6) [employees] shall receive any compensation for his or her services as an officer or employee of the County, from any source other than the County, except as may be permitted by Section 2-11 of this Code of Ordinances.

(2) All full-time County and municipal employees engaged in any outside employment for any person, firm, corporation or entity other than Miami-Dade County, or the respective municipality, or any of their agencies or instrumentalities, shall file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to same and any amount or types of money or other consideration received by the employee from said outside employment. Said County employee's reports shall be filed with the supervisor of elections no later than 12:00 noon on July 1st of each year, including the July 1st following the last year that person held such employment. Municipal employee reports shall be filed with the Clerk of their respective municipalities. Said reports shall be available at a reasonable time and place for inspection by the public. The County Manager or any city manager may require monthly reports from individual employees or groups of employees for good cause.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 3, 3-1-77; Ord. No. 77-79, § 1, 1-11-77; Ord. No. 77-87, § 1, 12-6-77; Ord. No. 83-18, § 2, 4-19-83; Ord. No. 84-39, § 2, 5-15-84; Ord. No. 10-48, § 1, 7-8-10)

(l) Prohibited investments. No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall have personal investments in any enterprise, either himself, herself, or through a member

of his or her immediately family, which will create a substantial conflict between his or her private interests and the public interest.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

(m) Certain appearances and payment prohibited.

(1) No person included in the terms defined in subsections (b)(1), (5), (6) and (13) [commissioners, the Mayor, departmental personnel, employees and contract staff] shall appear before any County Board or agency and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form, for services rendered to a third person, who has applied for or is seeking some benefit from the County or a County agency, in connection with the particular benefit sought by the third person. Nor shall such person appear in any court or before any administrative tribunal as counsel or legal advisor to a party who seeks legal relief from the County or a County agency through the suit in question.

(2) No person included in the terms defined in subsections (b)(2), (3) and (4) [autonomous personnel, quasi-judicial personnel, and advisory personnel] shall appear before the County board or agency on which he or she serves, either directly or through an associate, and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form, for services rendered to a third party, who has applied for or is seeking some benefit from the County board or agency on which such person serves, in connection with the particular benefit by the third party. Nor shall such person appear in any court or before any administrative tribunal as counsel or legal advisor to a third party who seeks legal relief from the County board or agency on which such person serves through the suit in question. However, this section shall not prohibit an architect serving without compensation on the Miami-Dade County Board of Energy Regulation or on any architectural Board, whose sole function is to pass on the aesthetics of plans submitted, from submitting plans on behalf of a client so long as such member makes known his or her representation of the applicant and disqualifies himself or herself from speaking or voting or otherwise participating on such application.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-25, § 1, 3-20-73; Ord. No. 73-51, § 1, 5-15-73; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 79-39, § 1, 6-19-79; Ord. No. 10-48, § 1, 7-8-10)

(n) Actions prohibited when financial interests involved. No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest. A financial interest is defined as a special financial interest, direct or indirect, as that term is used in Section 4.03 of the County's Charter; or as a financial interest as defined in Section 769 of the Restatement of the Law of Torts as an investment or something in the nature of an investment. This section shall not prohibit any official, officer, employee or person from taking official action (1) to promote tourism or downtown development or redevelopment within the County or any portion thereof, or (2) to authorize the expenditure of public funds for promoting tourism or downtown development or redevelopment, so long as no such authorized public funds are to be paid to such person or a member of his or her immediate family or any business in which he or she or any member of his or her immediate family has a financial interest.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-50, § 1, 5-15-73; Ord. No. 75-76, § 1, 9-17-75; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

(o) Acquiring financial interests. No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall acquire a financial interest in a project, business entity or property at a time when he or she believes or has reason to believe that the said financial interest will be directly affected by his or her official actions or by official actions by the County or County agency of which he or she is an official, officer, employee or contract staff.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

(p) Recommending professional services. No person included in the terms defined in subsections (b)(1) through (6) may recommend the services of any lawyer or law firm, architect or architectural firm, public relations firm, or any other person or firm, professional or otherwise, to assist in any transaction involving the County or any of its agencies, provided that such recommendation may properly be made when required to be made by the duties of office and in advance at a public meeting attended by other County officials, officers or employees.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77)

(q) Continuing application after county service.

(1) No person who has served as an elected county official, i.e., mayor, county commissioner, or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager, department director, departmental personnel or employee shall, for a period of two (2) years after his or her county service or employment has ceased, lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Additionally, no person who has served as a community council member shall, for a period of two (2) years after his or her county service or employment has ceased, lobby, with regard to any zoning or land use issue, any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Nothing contained in this Subsection (q)(1) shall prohibit any individual included within the provisions of this subsection from submitting a routine administrative request or application to a county department or agency during the two-year period after his or her county service has ceased.

(2) The provisions of this Subsection (q) shall not apply to officials, departmental personnel or employees who become employed by governmental entities, 501(c)(3) non-profit entities or educational institutions or entities, and who lobby on behalf of such entities in their official capacities.

(3) The provisions of this section shall apply to all individuals as described in Subsection (q)(1) who leave the county after the effective date of the ordinance from which this section derives.

(4) Any former county officer, departmental personnel or employee who has left the county within two (2) years prior to the effective date of this ordinance and has entered into a lobbying contract prior to the effective date of this ordinance shall, for a period of two (2) years after his or her county service or employment has ceased, comply with Subsection (q) as it existed prior to the effective date of the ordinance from which this section derives and as modified by this Subsection (q)(4) when lobbying pursuant to said contract. No former county officer, departmental personnel or employee who has left the county within two (2) years prior to the effective date of the ordinance from which this section derives shall for a period of two (2) years after his or her county service or employment has ceased enter into a lobbying contract to lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP,

RFQ, bid, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has a direct and substantial interest; and in which he or she participated directly or indirectly as an officer, departmental personnel or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, during his or her county service or employment. As used herein, a person participated "directly" where he or she was substantially involved in the particular subject matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, during his or her county service or employment. As used herein, a person participated "indirectly" where he or she knowingly participated in any way in the particular subject matter through decision, approval, disapproval, recommendation, the rendering of legal advice, investigation or otherwise, during his or her county service or employment. Former county officers, departmental personnel and employees who have left the county within two (2) years prior to the effective date of the ordinance from which this section derives shall execute an affidavit on a form prepared by the Office of the Inspector General prior to lobbying any county officer, departmental personnel or employee stating that the requirements of this section do not preclude said person from lobbying any officer, departmental personnel or employee of the county. The Inspector General shall verify the accuracy of each affidavit executed by former county officers, departmental personnel or employees.

(5) Any individual who is found to be in violation of this Subsection (q) shall be subject to the penalties provided in either Subsection (u)(1) or Subsection (u)(2).

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 99-2, § 1, 1-21-99)

(r) Ethics Commission to render opinions on request. Whenever any person included in the terms defined in subsection (b)(1) through (6), (b)(9) and (b)(13) is in doubt as to the proper interpretation or application of this Conflict of Interest and Code of Ethics Ordinance as to himself or herself, or whenever any person who renders services to the County is in doubt as to the applicability of the said ordinance as to himself or herself, he or she may submit to the Ethics Commission a full written statement of the facts and questions he or she has. The Ethics Commission shall then render an opinion to such person and shall publish these opinions without use of the name of the person advised unless such person requests the use of his or her name. Any person included in the term defined in subsection (b)(1) (i.e., Mayor or Commissioner) who is employed or retained by an entity that receives County funds or is under contract with the County shall, within sixty (60) days after (a) being retained or employed by the entity, or (b) becoming aware of the entity's receipt of County funds or of the entity's contract with the County, whichever is later, seek an opinion from the Ethics Commission or the Executive Director of the Ethics Commission regarding the applicability of the Conflict of Interest and Code of Ethics Ordinance. Any person included in the term defined in subsection (b)(1) who is employed or retained by an entity that receives County funds or is under contract with the County and has received an opinion from the Ethics Commission or the Executive Director of the Ethics Commission prior to the effective date of this ordinance regarding the applicability of the Conflict of Interest and Code of Ethics Ordinance to himself or herself shall not be required to seek another opinion from the Ethics Commission.

(Ord. No. 73-26, § 1, 3-20-73; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 97-105, § 2, 7-8-97; Ord. No. 10-48, § 1, 7-8-10; Ord. No. 12-22, § 1, 4-3-12)

(s) Lobbying.

(1) (a) As used in this section, "County personnel" means those County officers and employees specified in Section 2-11.1(i)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

(b) As used in this section, "Lobbyist" means all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee. "Lobbyist" specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities. The term "Lobbyist" specifically excludes the following persons: attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; any person who only appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and employees of a principal whose normal scope of employment does not include lobbying activities.

(2) All lobbyists shall register with the Clerk of the Board of County Commissioners within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall:

(a) Register on forms prepared by the Clerk;

(b) State under oath his or her name, business address and the name and business address of each person or entity which has employed said registrant to lobby. If the lobbyist represents a corporation, the corporation shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five (5) percent or more ownership interest in such corporation, partnership, or trust. Registration of all lobbyists shall be required prior to January 15 of each year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for annual registration shall be four hundred and ninety dollars ($490.00). Every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection (b)(1). The registration fees required by this subsection shall be deposited by the Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Notwithstanding the foregoing, fifteen (15) percent of future funds generated by lobbyist registration fees after the effective date of this ordinance shall be deposited into a separate account, and shall be expended by the Ethics Commission for the purposes of educational outreach, the rendering of advisory opinions and enforcement of the provisions of Section 2-11.1(s) relating to lobbyists. There shall be no fee required for filing a notice of withdrawal and the Board of County Commissioners may, in its discretion, waive the registration fee upon a finding of financial hardship.

(c) Prior to conducting any lobbying, all principals must file a form with the Clerk of the Board of County Commissioners, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. The principal and the lobbyist must also submit a joint affidavit stating that the principal has not offered and the lobbyist has not agreed to accept any contingency or success fees as defined in subsection (s)(7). Failure of a principal to file the required forms may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form with the Clerk of the Board at the point in time at which a lobbyist is no longer authorized to represent the principal.

(d) Each lobbyist shall, within sixty (60) days after registering as a lobbyist, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course"). Lobbyists who have completed the initial Ethics Course mandated by the preceding sentence and have continuously registered as a lobbyist thereafter shall be required to complete a refresher Ethics Course every two years. Each lobbyist who has completed a refresher Ethics Course shall submit to the Clerk of the Board a certificate of completion within sixty (60) days after registering as a lobbyist. The Ethics Course shall include, but not be limited to, a review of the following topics: the Conflict of Interest and Code of Ethics Ordinance; the Sunshine Law; and the Public Records Law. The fee for the Ethics Course shall be one hundred dollars ($100.00). The registration fees required by this subsection shall be deposited into a separate account, and shall be expended by the Ethics Commission for Ethics Courses and related costs. The requirements of this subsection relating to the Ethics Course shall not be applicable to any municipal lobbyist in Miami-Dade County unless said municipality has adopted an ordinance providing for ethics training of lobbyists, and has entered into an interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course provided for in this subsection. The Executive Director of the Ethics Commission may waive the Ethics Course requirement for a particular lobbyist when he or she determines that the lobbyist has taken an initial or refresher Ethics Course offered by a municipality which satisfies the requirements of this subsection.

(3) (a) Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.

(b) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist. A principal of any corporation, partnership or other entity who appears as a lobbyist on behalf of that entity, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but shall not be required to pay any registration fees.

(4) Any person who only appears as a representative of a not-for-profit corporation or entity (such as a charitable organization, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees. Any principal who only appears as a representative of a certified Micro Enterprise, as defined in Section 2-8.1.1.1.1 of the Code, as a representative of a certified Level I Community Small Business Enterprise, as defined in Section 10-33.02 or as a representative of a certified Tier 1 Community Business Enterprise, as defined in Section 2-10.4.01, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.

(5) Any person who appears as a representative for an individual or firm for an oral presentation before a county certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the County, all individuals who may make a presentation. The affidavit shall be filed by staff with the Clerk's office at the time the proposal is submitted. For the purpose of this subsection only, the listed members of the presentation team shall not be required to pay any registration fees. No person shall appear before any committee on behalf of an individual or firm unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the Clerk's office and has paid all applicable fees.

(6) (a) On July 1 of each year, the lobbyist shall submit to the Clerk of the Board of County Commissioners a signed statement under oath, as provided herein, listing all lobbying expenditures in excess of twenty-five dollars ($25.00) for the preceding calendar year. A

statement shall not be filed if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.

(b) The Clerk of the Board of County Commissioners shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed as provided in subsection (s)(9), a fine of fifty dollars ($50.00) per day shall be assessed for reports filed after the due date. Where a fine of fifty dollars ($50.00) per day is assessed, the Ethics Commission shall not impose a fine as provided in subsection (z). Any lobbyist who fails to file the required expenditure report by September 1 shall be automatically suspended from lobbying until all fines are paid unless the fine has been appealed to the Ethics Commission.

(c) The Clerk of the Board of County Commissioners shall notify the Commission on Ethics and Public Trust of the failure of a lobbyist or principal to file a report and/or pay the assessed fines after notification.

(d) A lobbyist or principal may appeal a fine and may request a hearing before the Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Commission on Ethics and Public Trust within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form. The Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or part, based on good cause shown. The Commission on Ethics and Public Trust shall have the authority to adopt rules of procedure regarding appeals from the Clerk of the Board of County Commissioners.

(7) No person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the County Commission; (2) any action, decision or recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee.

(8) The Clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this subsection (s). All logs required by this ordinance shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to Section 11.045, Florida Statutes.

(9) The Ethics Commission shall investigate any person engaged in lobbying activities who may be in violation of this subsection (s). In the event that a violation is found to have been committed the Ethics Commission may, in addition to the penalties set forth in subsection (z), prohibit such person from lobbying before the County Commission or any committee, board or personnel of the County as provided herein.

Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

1st violation for a period of 90 days from the date of determination of violation;

2nd violation for a period of one (1) year from the date of determination of violation;

3rd violation for a period of five (5) years from the date of determination of violation;

A bidder or proposer shall be subject to the debarment provisions of Section 10-38 of the Code of Miami-Dade County as if the bidder or proposer were a contractor where the bidder or proposer

has violated this section, either directly or indirectly or any combination thereof, on three (3) or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this section shall also render the contract voidable. The County Manager shall include the provisions of this subsection in all County bid documents, RFP, RFQ, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of such failure illegal per se.

(10) All members of the County Commission, and all County personnel, shall be diligent to ascertain whether persons required to register pursuant to this subsection have been complied. Commissioners or County personnel may not knowingly permit a person who is not registered pursuant to this subsection to lobby the Commissioner, or the relevant committee, board or County personnel.

(11) Except as otherwise provided in subsection (s)(9), the validity of any action or determination of the Board of County Commissioners or County personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this subsection (s).

(Ord. No. 86-24, § 1, 4-1-86; Ord. No. 91-22, § 1, 2-19-91; Ord. No. 92-27, § 1, 4-21-92; Ord. No. 95-21, § 1, 2-7-95; Ord. No. 98-73, § 1, 6-2-98; Ord. No. 98-76, § 1, 6-2-98; Ord. No. 00-19, § 1, 2-8-00; Ord. No. 01-93, § 1, 5-22-01; Ord. No. 01-162, § 1, 10-23-01; Ord. No. 10-03, § 1, 1-21-10; Ord. No. 10-04, § 1, 1-21-10; Ord. No. 10-34, § 1, 6-3-10; Ord. No. 10-56, § 1, 9-21-10; Ord. No. 12-10, § 1, 3-6-12; Ord. No. 12-63, § 1, 9-6-12)

(t) Cone of Silence.

1. Contracts for the provision of goods and service other than audit and independent private sector inspector general (IPSIG) contracts.

(a) "Cone of Silence" is hereby defined to mean a prohibition on:

(i) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the County's professional staff including, but not limited to, the County Manager and his or her staff;

(ii) Any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his or her staff;

(iii) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and any member of the selection committee therefor;

(iv) Any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the selection committee therefor;

(v) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the Mayor, County Commissioners and their respective staffs; and

(vi) Any communication regarding a particular RFP, RFQ, or bid between any member of the County's professional staff and any member of the selection committee therefore.

The County Manager and the Chairperson of the selection committee may communicate about a particular selection recommendation, but only after the committee has submitted an award recommendation to the manager and provided that should any change occur in the committee recommendation, the content of the communication and of the corresponding

change as well as the reasons for such change shall be described in writing and filed by the Manager with the Clerk of the Board and be included in any recommendation submitted by the Manager to the Board of County Commissioners. Notwithstanding the foregoing, the Cone of Silence shall not apply to:

(i) Competitive processes for the award of CDBG, HOME, SHIP and Surtax Funds administered by the Miami-Dade County Office of Community and Economic Development and the community-based organization (CBO) competitive grant processes administered by the Park and Recreation, Library, Water and Sewer, and Solid Waste Departments, Cultural Affairs and Tourist Development Councils and the Department of Environmental Resources Management;

(ii) Communications with the County Attorney and his or her staff;

(iii) Communications between a potential vendor, service provider, bidder, consultant or lobbyist and employees of the Management and Technical Assistance Unit of the Department of Business Development regarding small business and/or minority business programs, the Community Business Enterprise and Equitable Distribution Programs;

(iv) Communications between a potential vendor, service provider, bidder, consultant or lobbyist and employees responsible for administering disadvantaged business enterprise programs in County departments receiving federal funds, provided the communications are limited strictly to matters of programmatic process or procedure;

(v) Duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the County Manager makes his or her written recommendation;

(vi) Any emergency procurement of goods or services pursuant to Administrative Order 3-2;

(vii) Communications regarding a particular RFP, RFQ or bid between any person and the Vendor Information Center staff, the procurement agent or contracting officer responsible for administering the procurement process for such RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document;

(viii) Communications between a potential vendor, service provider or bidder and employees of the Department of Procurement Management or other department identified in the solicitation document as the issuing department; and

(ix) Consultations by employees of the Department of Procurement Management with professional procurement colleagues in determining an appropriate approach or option involving a solicitation in progress.

(b) Procedure.

(i) A Cone of Silence shall be imposed upon each RFP, RFQ and bid after the advertisement of said RFP, RFQ or bid. At the time of imposition of the Cone of Silence, the County Manager or his or her designee shall provide for public notice of the Cone of Silence. The County Manager shall issue a written notice thereof to the affected departments, file a copy of such notice with the Clerk of the Board, with a copy thereof to each Commissioner, and shall include in any public solicitation for goods and services a statement disclosing the requirements of this ordinance.

(ii) The Cone of Silence shall terminate at the time the Manager makes his or her written recommendation to the County Commission; provided, however, that if the Commission refers the Manager's recommendation back to the Manager or staff for further review, the Cone of Silence shall be reimposed until such time as the Manager makes a subsequent written recommendation. The foregoing notwithstanding, for contracts and

purchases which the County Manager has the delegated authority to award under Sec. 2-8.1(b) of this Code, the Cone of Silence shall terminate: (i) at the time the award recommendation letter is issued and filed with the Clerk of the Board for such contracts and purchases involving the expenditure of over one hundred thousand dollars ($100,000); (ii) at the time the written award recommendation is posted in accordance with Section III of A.O. 3-21 for such contracts or purchases involving the expenditure of over $25,000 up to $100,000; or (iii) at the time the award recommendation is issued in accordance with Section IV of A.O. 3-21 for contracts and purchases involving the expenditure of $25,000 or less.

(iii) While the Cone of Silence is in effect, County Staff shall create a written record of any oral communications with potential vendor, service provider, bidder, lobbyist, or consultant related to or regarding a solicitation, bid, proposal, or other competitive process. The record shall indicate the date of such communication, the persons to whom staff communicated, and a general summation of the communication. This subsection applies to all communications made while the Cone of Silence is in effect for a particular solicitation.

(c) Exceptions.

(i) The provisions of this ordinance shall not apply to oral communications at pre-bid conferences, oral presentations before selection committees duly noticed as a public meeting, recorded contract negotiations and contract negotiation strategy sessions in compliance with the exemption in Florida Statutes Section 286.0113, public presentations made to the Board of County Commissioners during any duly noticed public meeting or communication in writing at any time with any County employee, official or member of the Board of County Commissioners unless specifically prohibited by the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to any person upon request.

(ii) The provisions of this ordinance shall also not apply to oral communications at briefings held by county commissioners and the County Mayor or his designee, after the selection committee or other evaluating group makes its recommendation to the County Manager, provided that the briefings are not intended to influence the outcome of the selection committee or other evaluating group's recommendation to the County Manager; provided, however, that this exception shall not apply to outside groups such as lobbyists or representatives of the responding or bidding companies or entities.

2. Audit and IPSIG contracts.

(a) "Cone of Silence" is hereby defined to mean a prohibition on: (a) any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his or her staff; (b) any oral communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his or her staff. Notwithstanding the foregoing, the Cone of Silence shall not apply to (a) communications with the County Attorney and his or her staff; (b) communications between a potential vendor, service provider or bidder and employees of the Department of Procurement Management or other department identified in the solicitation document as the issuing department; and (c) consultations by employees of the Department of Procurement Management with professional procurement colleagues in determining an appropriate approach or option involving a solicitation in progress.

(b) Except as provided in Subsections 2(c) and 2(d) hereof, a Cone of Silence shall be imposed upon each RFP, RFQ and bid for audit and IPSIG services after the advertisement of said RFP, RFQ or bid. At the time of the imposition of the Cone of Silence, the County Manager

or his or her designee shall provide for the public notice of the Cone of Silence. The Cone of Silence shall terminate when the County Manager executes a particular audit or IPSIG contract.

(c) Nothing contained herein shall prohibit any bidder or proposer: (i) from making public presentations at duly noticed pre-bid conferences or before duly noticed selection committee meetings; (ii) from engaging in recorded contract negotiations in compliance with the exemption in Florida Statutes Section 286.0113; or (iii) from communicating in writing with any County employee or official for purposes of seeking clarification or additional information from, subject to the provisions of the applicable RFP, RFQ or bid documents. Any recordings made pursuant to this section shall be made available, as a public record, upon the conclusion of the selection committee or negotiation meetings notwithstanding the elapsed time from bid or proposal opening. The bidder or proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to the general public upon request.

(d) Nothing contained herein shall prohibit any lobbyist, bidder, proposer or other person or entity from publicly addressing the Board of County Commissioners during any duly noticed public meeting regarding action on any audit or IPSIG contract. The County Manager shall include in any public solicitation for auditing or IPSIG services a statement disclosing the requirements of this ordinance.

3. Penalties. In addition to the penalties provided in Subsections (s) and (v) hereof, violation of this Subsection (t) by a particular bidder or proposer shall render any RFP award, RFQ award or bid award to said bidder or proposer voidable. Any person who violates a provision of this ordinance shall be prohibited from serving on a Miami-Dade County competitive selection committee. In addition to any other penalty provided by law, violation of any provision of this ordinance by a Miami-Dade County employee shall subject said employee to disciplinary action up to and including dismissal. Additionally, any person who has personal knowledge of a violation of this ordinance shall report such violation to the State Attorney and/or may file a complaint with the Ethics Commission.

4. The requirements of Section 2-11.1(t) shall not apply to any municipality in Miami-Dade County that has adopted an ordinance providing that the cone of silence shall not apply to that municipality. Any municipality that opts out of the requirements of Section 2-11.1(t) shall provide the Ethics Commission with a copy of the ordinance.

5. Within thirty days of a recommendation from a selection committee, the County Mayor or his designee shall either appoint a negotiation committee or take other affirmative action with respect to the solicitation, including but not limited to rejection of proposals or recommendation for award. In the event that negotiations have not commenced within thirty days, or if such other affirmative action has not been taken within thirty days, the County Mayor or his designee shall report such event, and the reasons therefore, to the Board of County Commissioners. Additionally, the County Mayor or his designee shall present the Clerk of the Board with a recommendation for award, or a recommendation to reject proposals, within ninety days from the date a selection committee makes a recommendation. In the event that the County Mayor or his designee has not provided such recommendation to the Clerk of the Board within ninety days, the County Mayor or his designee shall provide a report on the status of the solicitation to the Board of County Commissioners, including the reasons for any delay.

(Ord. No. 98-106, § 1, 7-21-98; Ord. No. 99-1, § 1, 1-21-99; Ord. No. 00-149, § 1, 11-28-00; Ord. No. 01-149, § 1, 9-25-01; Ord. No. 01-150, § 1, 9-25-01; Ord. No. 02-3, § 1, 1-29-02; Ord. No. 04-77, § 1, 4-27-04; Ord. No. 08-111, § 1, 10-7-08)

(u) Prohibition on certain business transactions. No person who is serving as an elected county official or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager or department director shall enter into a business transaction with any person or entity that

has a contract with Miami-Dade County or any shareholder, partner, officer, director or employee of said contractor, unless said business transaction is an arm's length transaction made in the ordinary course of business. The provisions of this subsection (u) shall not apply to a business transaction between an elected county official, a member of the staff of an elected county official, the county manager, a senior assistant to the county manager or a department director and a not-for-profit entity. As used herein, a "shareholder" shall mean any person owning ten (10) percent or more of the outstanding capital stock of any corporation. As used herein, "elected county official" shall mean the mayor, county commissioners and community council members. As used herein, "business transaction" shall mean any contract wherein persons either sell, buy, deal, exchange, rent, lend or barter real, personal or intangible property, money or any other thing of value, or render services for value.

(v) Voting Conflicts. Members of Advisory and Quasi-Judicial Boards. No person included in the terms defined in subsections (b)(3) (quasi-judicial personnel) and (b)(4) (advisory personnel) shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves, and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor.

(w) Prohibition on acceptance of travel expenses from county vendors. Notwithstanding any other provision of this section, no person included in subsections (b)(1)(Mayor and Commissioners), (b)(5)(departmental personnel) or (b)(6) (employees) shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any county contractor, vendor, service provider, bidder or proposer. The Board of County Commissioners may waive the requirements of this subsection by a majority vote of the Commission. The provisions of this subsection (w) shall not apply to travel expenses paid by other governmental entities or by organizations of which the County is a member if the travel is related to that membership.

(x) Prohibition on county employees and departmental personnel performing contract-related duties. No person included in subsections (b)(5)(departmental personnel) and (b)(6) (employees), who was previously employed by or held a controlling financial interest in a for-profit firm, partnership or other business entity (hereinafter "business entity") shall, for a period of two years following termination of his or her prior relationship with the business entity, perform any county contract-related duties regarding the business entity, or successor in interest, where the business entity is a county bidder, proposer, service provider, contractor or vendor. As used in this subsection (x), "contract-related duties" include, but are not limited to: service as a member of a county certification, evaluation, selection, technical review or similar committee; approval or recommendation of award of contract; contract enforcement, oversight or administration; amendment, extension or termination of contract; or forbearance regarding any contract. Notwithstanding the foregoing, the provisions of this subsection (x) shall not apply to the County Manager or the Director of Procurement Management.

(y) Powers and jurisdiction of Ethics Commission. The Ethics Commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the Conflict of Interest and Code of Ethics Ordinance. Jurisdiction of the Ethics Commission shall automatically extend to Commissioners, the Mayor, autonomous personnel, quasi-judicial personnel, departmental personnel, employees, contract staff, advisory personnel, immediate family, lobbyists as defined in subsections (b) and (s) who are required to comply with the Conflict of Interest and Code of Ethics Ordinance; and any other person required to comply with the Conflict of Interest and Code of Ethics Ordinance including, but not limited to, contractors, consultants and vendors. In the event that the Ethics Commission does not assume jurisdiction as provided in the preceding sentence, the Ethics Commission may refer the complaint to the State Attorney for appropriate action. Notwithstanding the foregoing, the Ethics Commission shall not have jurisdiction to consider an alleged violation of subsection (c) if the requirements of subsection (c) have been waived for a particular transaction as provided therein.

(Ord. No. 10-48, § 1, 7-8-10)

(z) Prohibition on participation in settlement negotiations. Neither the Mayor, a County Commissioner nor any member of their staff shall participate in settlement negotiations of claims or lawsuits, including but not limited to contract scope or compensation adjustments involving the County without prior approval of the Board of County Commissioners.

(aa) County Attorney's Office participation in contract adjustments. County staff shall request the participation of the County Attorney's Office to provide legal advice regarding scope or compensation adjustments which increase by more than one million dollars ($1,000,000), the value of a construction contract or a contract involving the purchase of goods or services.

(bb) Affidavit and Ethics Course. Each person who is elected to serve as a member of the Board of County Commissioners or as Mayor of Miami-Dade County shall execute an affidavit, on a form prepared by the Ethics Commission, stating that he or she has read the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and agrees to comply with the provisions of said ordinance. Each elected official covered by the requirements of this subsection shall file the required affidavit with the Ethics Commission prior to being sworn into office. Each elected official, as defined in subsection (b)(1), shall, within ninety (90) days after being sworn into office, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course"). Each employee of the County, as defined in subsection (b)(5) and b(6), shall within one hundred and eighty (180) days of the effective date of this ordinance or within sixty (60) days after being hired by the County, submit to the Clerk of the Board a certificate of completion of an Ethics Course offered by the Miami-Dade County Commission on Ethics and Public Trust. Employees shall be required to complete a refresher Ethics Course every two years thereafter. Each employee who has completed a refresher Ethics Course shall submit to the Clerk of the Board a certificate of completion. The Ethics Course shall include, but not be limited to, a review of the following topics: the Conflict of Interest and Code of Ethics Ordinance; the Sunshine Law; the Public Records Law and the Citizens' Bill of Rights. The requirements of this subsection (bb) relating to the Ethics Course for employees shall not be applicable to any municipality in Miami-Dade County unless said municipality has adopted an ordinance providing for the Ethics Course, and has entered into an interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course provided for in this subsection.

(Ord. No. 12-11, § 1, 3-6-12; Ord. No. 13-50, § 1, 6-4-13)

(cc) Penalty.

(1) Proceeding before Ethics Commission. A finding by the Ethics Commission that a person has violated this section shall subject said person to an admonition or public reprimand and/or a fine of five hundred dollars ($500.00) for the first such violation and one thousand dollars ($1,000.00) for each subsequent violation. Where the Ethics Commission finds that a person has intentionally violated this section and determines that a fine is appropriate, said person shall be subject to a fine of one thousand dollars ($1,000.00) for the first such violation and two thousand dollars ($2,000.00) for each subsequent violation. Actual costs incurred by the Ethics Commission, in an amount not to exceed five hundred dollars ($500.00) per violation, may be assessed where the Ethics Commission has found an intentional violation of this section. The Ethics Commission may also order the person to pay restitution when the person or a third party has received a pecuniary benefit as a result of the person's governed by an administrative order adopted by the County Commission and rules of procedure promulgated by the Ethics Commission.

(2) Prosecution by State Attorney in State court. Every person who is convicted of a violation of this section in State court shall be punished by a fine not to exceed five hundred dollars ($500.00) or imprisonment in the County Jail for not more than thirty (30) days, or by both such fine and imprisonment.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-26, § 1, 3-20-73; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 86-24, § 2, 4-1-86; Ord. No. 91-22, § 1, 2-19-91; Ord. No. 92-27, § 1, 4-21-92; Ord. No. 95-

21, § 1, 2-7-95; Ord. No. 97-105, § 2, 7-8-97; Ord. No. 98-73, § 1, 6-2-98; Ord. No. 98-76, § 1, 6-2-98; Ord. No. 98-106, § 1, 7-21-98; Ord. No. 98-125, § 1, 9-3-98; Ord. No. 99-150, § 1, 11-2-99; Ord. No. 00-46, § 1, 4-11-00; 00-149, § 1, 11-28-00; Ord. No. 01-199, § 1, 12-4-01; Ord. No. 03-73, § 1, 4-8-03; Ord. No. 03-107, § 1, 5-6-03; Ord. No. 03-140, § 1, 6-3-03; Ord. No. 04-55, § 1, 3-16-04; Ord. No. 04-119, § 1, 6-8-04; Ord. No. 04-204, § 1, 12-2-04; Ord. No. 05-71, § 1, 4-5-05; Ord. No. 06-148, § 1, 10-10-06; Ord. No. 10-11, § 1, 2-2-10; Ord. No. 10-48, § 1, 7-8-10; Ord. No. 13-53, § 1, 6-4-13; Ord. No. 14-96, § 1, 10-7-14)

Editor's note— Ord. No. 72-82, § 1, amended this Code by repealing former § 2-11.1 relative to County officers and employees transacting business with the County and enacted in lieu thereof a new § 2-11.1 as herein set out. Former § 2-11.1 was derived from Ord. No. 59-44, §§ 2—5, adopted Dec. 1, 1959.

Annotations—AO 7-1; CAO's 76-8, 76-32, 76-36, 76-39, 76-43, 76-46, 76-50, 76-55, 77-1, 77-9, 77-14, 77-16, 77-19, 77-26, 77-33, 77-37, 77-40, 77-41, 77-44, 77-52, 77-53, 77-56, 77-63, 77-68, 78-2, 78-10, 78-11, 78-12, 78-17, 78-25, 78-33, 78-44, 78-47, 78-53, 78-54, 79-6, 79-7, 79-12, 79-16, 79-19, 79-32, 79-37, 80-3, 80-4, 80-11, 80-21, 80-24, 80-25, 80-28, 80-29, 81-4, 81-13, 81-18, 81-22, 81-31, 81-38, 82-1, 82-10, 82-13, 82-19, 82-24, 82-25, 82-28, 82-29, 83-2, 83-6, 83-11, 83-22, 85-8.

State Law reference— Code of ethics for public officers and employees, F.S. § 112.311 et seq.

Sec. 2-11.1.1. - Ethical campaign practices ordinance.

(A) Applicability of Ethical Campaign Practices Ordinance. The Ethical Campaign Practices Ordinance shall extend to: (i) candidates, and their respective campaign staffs, for the Miami-Dade County Commission or Mayor; (ii) candidates, and their respective campaign staffs, for the Miami-Dade Fire and Rescue Service District Board; (iii) candidates, and their respective campaign staffs, for Miami-Dade County Community Councils; (iv) candidates, and their respective campaign staffs, for any municipal elective office within Miami-Dade County; (v) Candidates, and their respective campaign staffs, for the Property Appraiser of Miami-Dade County; and (vi) any candidate, and his or her campaign staff, for elective office with a constituency in whole or in part in Miami-Dade County who agrees to abide by the mandatory and/or voluntary fair campaign practices provided in subsections (C) and (D). As used herein, "candidate" means any person to whom any one (1) or more of the following applies:

  (1) Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her election to, or retention in, public office.

  (2) Any person who appoints a treasurer and designates a primary depository.

  (3) Any person who files qualification papers and subscribes to a candidate's oath as required by law.

(B) Miami-Dade County Commission on Ethics and Public Trust. The Miami-Dade County Commission on Ethics and Public Trust ("Ethics Commission") shall have jurisdiction over the Ethical Campaign Practices Ordinance. The Ethics Commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the mandatory and voluntary fair campaign practices provided in subsections (C) and (D).

(C) Mandatory Fair Campaign Practices.

(1) Prohibitions. A candidate, and his or her campaign staff, for the Miami-Dade County Commission, Mayor of Miami-Dade County, Property Appraiser of Miami-Dade County, Miami-Dade Fire and Rescue Service District Board, Miami-Dade County Community Councils or for any municipal elective office within Miami-Dade County shall not:

(a) With actual malice make or cause to be made any untrue oral statement about another candidate or a member of his or her family or staff which exposes said person to hatred, contempt, or ridicule or causes said person to be shunned or avoided, or injured in his or her business or occupation;

(b) With actual malice publish or cause to be published by writing, printing, picture, effigy, sign or otherwise than by mere speech any untrue statement about another candidate or a member of his or her family or staff which exposes said person to hatred, contempt, or ridicule or causes said person to be shunned or avoided, or injured in his or her business or occupation;

(c) Willfully injure, deface or damage or cause to be injured, defaced or damaged by any means any campaign poster, sign, leaflet, handbill, literature or other campaign material of another candidate;

(d) Knowingly obtain, or cause to be obtained the campaign property of another candidate with the intent to, temporarily or permanently, deprive the candidate of a right to the property or a benefit therefrom; or

(e) Knowingly file with the Ethics Commission a groundless or frivolous complaint against another candidate.

(2) Agreement to abide by Mandatory Fair Campaign Practices. A candidate for any elective office with a constituency in whole or in part in Miami-Dade County who is not required to comply with the mandatory fair campaign practices as provided in subsection (C)(1) may at any time declare that he or she agrees to abide by the mandatory fair campaign practices, and that he or she recognizes as compulsory the jurisdiction of the Ethics Commission (a) to decide whether said candidate has violated the mandatory fair campaign practices and, if so, (b) to impose the appropriate penalty, if any. The declaration shall be on a form approved by the Ethics Commission and shall be irrevocable. Copies of the declaration form shall be on file with the Ethics Commission, the Miami-Dade County Supervisor of Elections and the Clerk of the Board of each municipality within Miami-Dade County.

(3) Penalties. In addition to any other penalty provided by law, a finding by the Ethics Commission that a candidate or a member of his or her staff has violated one (1) or more of the mandatory fair campaign practices shall subject said candidate, a member of his or her staff, or both, to an admonition or public reprimand and/or a fine of five hundred dollars ($500.00) for the first such violation and one thousand dollars ($1,000.00) for each subsequent violation. The Ethics Commission may also order a person who violates a mandatory fair campaign practice to pay restitution when the person or a third party receives a pecuniary benefit as a result of the person's violation. The procedure for determining restitution shall be governed by an administrative order adopted by the County Commission and rules of procedure promulgated by the Ethics Commission.

(D) Voluntary Fair Campaign Practices.

(1) Statement of Fair Campaign Practices. The following voluntary Statement of Fair Campaign Practices shall guide candidates for public office in Miami-Dade County:

STATEMENT OF FAIR CAMPAIGN PRACTICES

As a candidate for public office in Miami-Dade County, I believe that political issues can be freely debated without appealing to racial, ethnic, religious, sexual or other prejudices. I recognize that such negative appeals serve only to divide this community and create long-term moral, social and economic problems.

Therefore:

1. I shall not make my race, religion, national origin, gender, physical disability or sexual orientation an issue in my campaign.
2. I shall not make my opponents' race, religion, national origin, gender, physical disability or sexual orientation an issue in my campaign.
3. I will condemn any appeal to prejudice based on race, creed, national origin, religion, gender, physical disability or sexual orientation.
4. I shall not without just cause attack or question my opponent's patriotism.
5. I shall not publish, display or circulate any anonymous campaign literature or political advertisement.
6. I shall not tolerate my supporters engaging in these activities which I condemn nor shall I accept their continued support if they engage in such activities. I will not permit any member of my campaign organization to engage in these activities and will immediately and publicly repudiate the support of any other individual or group which resorts to the methods and tactics I condemn.
7. I shall run a positive campaign emphasizing my qualifications for office and positions on issues of public concern.
8. I will limit my attacks on an opponent to legitimate challenges to that person's record, qualifications, and positions.
9. I will neither use nor permit the use of malicious untruths or innuendoes about an opponent's personal life, nor will I make or condone unfounded accusations discrediting that person's credibility.
10. I will take personal responsibility for approving or disavowing the substance of attacks on my opponent that may come from third parties supporting my candidacy.
11. I will not use or permit the use of campaign material that falsifies, distorts, or misrepresents facts.

(2) Agreement to abide by Statement of Fair Campaign Practices. A candidate for public office in Miami-Dade County as described in subsection (A) may at any time declare that he or she agrees to abide by the Statement of Fair Campaign Practices, and that he or she recognizes as compulsory the jurisdiction of the Ethics Commission (a) to decide whether said candidate has violated the Statement of Fair Campaign Practices and, if so, (b) to impose the appropriate penalty. The declaration shall be on a form approved by the Ethics Commission and shall be irrevocable. Copies of the declaration form shall be on file with the Ethics Commission, the Miami-Dade County Supervisor of Elections and the Clerk of the Board of each municipality within Miami-Dade County. Declarations shall be filed with the Ethics Commission.

(3) Penalty. In addition to any other penalty provided by law, a finding by the Ethics Commission that a candidate has violated one (1) or more of the voluntary fair campaign practices shall subject said candidate to an admonition or public reprimand.

(E) Procedure. The procedures provided in Chapter 2, Article LXXVIII of the Code of Miami-Dade County shall govern all complaints or requests for advisory opinions brought pursuant to the Ethical Campaign Practices Ordinance. Notwithstanding the foregoing, the Ethics Commission may conduct an expedited proceeding, with the assistance of hearing examiners, when a complaint is filed pursuant to the Ethical Campaign Practices Ordinance within fifty (50) days of a primary, general or special election. Expedited proceedings shall be governed by an administrative order adopted by the County Commission and rules of procedure promulgated by the Ethics Commission. No action may be taken on a complaint filed more than one (1) year after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation.

(Ord. No. 98-94, § 1, 7-7-98; Ord. No. 04-204, § 1, 12-2-04; Ord. No. 06-157, § 1, 10-24-06; Ord. No. 08-62, § 1, 5-20-08)

HIGHLIGHTS OF THE MIAMI-DADE COUNTY ETHICS CODE

Miami-Dade Commission on Ethics & Public Trust
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KEY RESPONSIBILITIES

The Conflict of Interest and Code of Ethics Ordinance (Miami-Dade County Code at Sec. 2-11.1) establishes minimum standards of ethical conduct for County and municipal elected officials, employees, members of advisory boards and quasi-judicial bodies and designated County contract workers. Certain requirements may also affect immediate family members, defined as a spouse, domestic partner, parents, stepparents, children and stepchildren. Specific questions should be sent to the Ethics Commission.

Exploitation of official position. A person cannot use his or her public position to obtain a special privilege or exemption for him- or herself or for others.

Confidentiality. A person cannot disclose confidential information acquired through his or her public position.

Financial disclosure. Elected officials, members of advisory boards and quasi-judicial bodies, certain employees and contract staff must file financial disclosure statements every year.

LOYALTY TO ONE'S GOVERNMENT

Recommendations of services prohibited. Elected officials, public employees and members of advisory boards and quasi-judicial bodies may not recommend the services of another to assist in any transaction involving one's government.

Outside employment must be approved annually. Supervisors must ensure that outside employment will not impair an employee's independence of judgment in the performance of his or her public duties. If approved, the employee must file a statement of income earned from outside employment each year.

GIFTS

Definition. A gift is anything of value that the recipient has not paid for. Examples include tickets or passes to events, entertainment performances and charitable galas, holiday baskets, flowers, lodging, meals, beverages, rebates or discounts, if not also offered to the general public.

Prohibited gifts. Elected officials, public employees and members of advisory boards and quasi-judicial bodies may never request or accept gifts intended to persuade them to take (or not take) an official action or to perform (or not perform) a duty required by their government service.

Travel expenses. Vendors and service providers may not pay the travel expenses of elected officials and public employees. Typically, these include costs associated with transportation, lodging, meals, registrations fees and incidental expenses.

Acceptable gifts, if disclosed. Gifts that are not intended to influence an official action and that are not travel expenses paid for by a government vendor may be accepted.

If the total value of a gift from one person or entity exceeds $100 during a calendar quarter, the gift must be disclosed in the quarter after it is received.

Acceptable solicitations of gifts. Gifts may be solicited if used solely—

- by the government to conduct official business or
- to benefit nonprofit organizations, but only if solicited by commissioners and their staffs when the commissioners and their staffs receive no compensation for the solicitation.

GOVERNMENT PROCUREMENT

Cone of Silence. Oral communications are prohibited between bidders for County contracts and County officers and employees, from the time a bid has been advertised until the County Manager issues a written recommendation to the Board of County Commissioners. Numerous other provisions related to the Cone of Silence can be found in the County Ethics Code.

DOING BUSINESS WITH GOVERNMENT

Employees may do business with their government, individually or through a private company. But not with the employee's *department*, if the employee or immediate family have an ownership interest in the company.

Elected officials, managers, department heads and local government attorneys may *not* do business with their respective governments. Nor may their immediate family members do business with their respective governments.

Members of advisory boards and quasi-judicial bodies may do business with their governments. But not through a company in which the board member has an ownership interest, if the company is regulated by the member's board.

Disclosure of private business associations. If public officers and employees, members of advisory boards and quasi-judicial bodies or immediate family members are employed by a private firm with substantial business relationships to, or regulation by, their respective governments, the private employment must be disclosed.

Transactions with private companies that do business with one's government. Local elected officials and their staffs, managers, senior assistant managers and department heads may transact business with these private companies, but only at arm's length, as in ordinary commercial dealings between equal parties.

Two-year rule for former employees of private entities. Government employees may not perform contract-related duties regarding their former private employers for two years following departure from that employer. The prohibition does not apply to County or municipal managers or to directors of procurement departments.

Conflicting personal investments. Elected officials, members of advisory boards and quasi-judicial bodies, public employees and designated contract workers may *not* —

- own personal investments directly or through an immediate family member that would create a substantial conflict between private interests and the public interest,
- participate in any official action, directly or indirectly, involving a business in which they or an immediate family member has a financial interest of 10% or more,
- acquire a financial interest in an entity directly or through an immediate family member that may be affected by their official actions.

LOBBYISTS

Elected officials and government personnel must determine whether persons seeking to influence them have registered as lobbyists. Meetings with unregistered individuals are prohibited.

Prohibition on lobbying one's own government. Elected officials, public employees and designated contract staff may not represent third parties before their respective governments. Members of advisory boards and quasi-judicial bodies may not represent third parties before their respective boards.

Two-year rule for former officers and employees. Public officers and employees may not lobby or appear before their respective governments for two years following departure from public service, except if employed by another government or a nonprofit or educational entity.

VOTING CONFLICTS

Commissioners and council members. Elected officials may not vote if *either* of the following were to occur: the vote would affect them differently than it would affect the public generally *or* the vote would directly or indirectly affect a person with whom they have certain business relationships.

Board members. Members of advisory boards and quasi-judicial bodies may not vote if *both* of the following were to occur: they will be directly affected by the action of their board *and* they have certain business relationships with the persons or entities appearing before their board on the matter.

I.O. No.: 7-7
Ordered:
Effective:

MIAMI-DADE COUNTY
IMPLEMENTING ORDER

POLICIES AND PROCEDURES ESTABLISHING A PUBLIC SERVICE HONOR CODE FOR ELECTED AND APPOINTED COUNTY OFFICIALS AND COUNTY EMPLOYEES

AUTHORITY:
Citizens' Bill of Rights and Sections 1.01, 2.02 and 5.02 of the Miami-Dade County Home Rule Charter; Commission on Ethics and Public Trust Enabling Ordinance, Section 2-1066 et seq., of the Code of Miami-Dade County, Florida ("the Code"); Section 2-1077 of the Code; and the Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 of the Code.

SUPERSEDES:
This Implementing Order supersedes and replaces Administrative Order 7-7 ("Employees Having Knowledge of a Crime"), which became effective on October 22, 1964. Administrative Order 7-7 established the policy that County officials and employees under the jurisdiction of the County Manager who have knowledge or information of activity which may constitute a crime shall report such information immediately and personally to either the State Attorney or Grand Jury, and that such officials and employees who so report shall also cooperate fully with the investigating authority.

POLICY:
It shall be the policy of Miami-Dade County that all elected and appointed County officials and County employees shall adhere to this Public Service Honor Code ("Honor Code"). The Honor Code consists of the following minimum standards regarding the responsibilities of all public servants in the County. Violation of any of the mandatory standards listed below may result in enforcement action as provided below under ENFORCEMENT.

Each elected and appointed public official and employee of the County shall, when acting in his or her official capacity, comply with the following mandatory standards:

1) Serve and protect the public interest above any personal or institutional interest or loyalty; and

2) Act as the public's surrogate by protecting it against waste or fraud; and

3) Respect and uphold laws, ordinances, resolutions, rules, and regulations that protect the public against abuses in County government by assisting law enforcement and other Federal, State, County and local authorities charged with protecting the public trust; and

4) Report any information concerning activity which may constitute a crime, of which he or she has personal knowledge, immediately and personally to either the State Attorney or Miami-Dade County Grand Jury; and

5) Cooperate fully with law enforcement agencies or other official investigative authorities in providing truthful testimony and other relevant information pertaining to any alleged violation of the public trust.

RESPONSIBILITIES OF SUPERVISORS AND ETHICS OFFICERS:
County supervisors and ethics officers shall counsel and encourage employees in their respective departments to report violations of the Miami-Dade Conflict of Interest and Code of Ethics Ordinance to the Miami-Dade Commission on Ethics and Public Trust ("Ethics Commission"), and any waste, fraud or other abuse of public resources to the Miami-Dade County Office of Inspector General.

ENFORCEMENT:
The Honor Code shall be enforced as follows:

1) The Mayor or the Mayor's designee may use the administrative process of the County for violations of the Honor Code committed by all appointed officials or employees subject to the authority of the Mayor.

2) The Ethics Commission shall have jurisdiction over violations of the Honor Code committed by elected County officials and by all other County officials and employees not subject to the administrative authority of the Mayor. The Ethics Commission shall follow the procedures outlined in Section 2-1074 of the Code in conducting such investigations or hearings as it deems appropriate. The Ethics Commission may impose a letter of reprimand or letter of instruction following a determination that a violation of the Honor Code has occurred. Such action by the Ethics Commission shall not prevent the Board of County Commissioners or any department head or supervisor from taking any additional action or imposing any penalty that they are authorized to take or impose.

3) Whenever any elected or appointed County official or employee is in doubt as to the proper interpretation or application of the Honor Code as to himself or herself, he or she may request a binding opinion from the Ethics Commission.

4) Adherence to the Honor Code by County employees shall be included, wherever appropriate and to the extent legally permissible, in the criteria for evaluations for merit increases, promotions, and professional recognition.

5) The Ethics Commission shall include the Honor Code in its ethics training programs for County officials and employees.

PROTECTION OF EMPLOYEES:
The County shall not dismiss, discipline, or take any other adverse personnel action against an employee for complying with the Honor Code. Further, the County shall not take any adverse action that affects the rights or interests of any employee in retaliation for the employee's compliance with the Honor Code. If the County takes any of the adverse actions stated in the preceding sentences as a result of an employee's compliance with the Honor Code, the employee shall be entitled to apply to the Mayor, the appropriate department, entity or agency director and/or to the Ethics Commission for redress, each of which shall take appropriate steps within their authority and discretion to ensure that no employee is penalized for compliance with the Honor Code.

Approved by County Attorney
as to form and legal sufficiency.

CITIZENS' BILL OF RIGHTS

(A). This government has been created to protect the governed, not the governing. In order to provide the public with full and accurate information, to promote efficient administrative management, to make government more accountable, and to insure to all persons fair and equitable treatment, the following rights are guaranteed:

1. *Convenient Access.* Every person has the right to transact business with the County and the municipalities with a minimum of personal inconvenience. It shall be the duty of the Mayor and the Commission to provide, within the County's budget limitations, reasonably convenient times and places for registration and voting, for required inspections, and for transacting business with the County.
2. *Truth in Government.* No County or municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.
3. *Public Records.* All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public.
4. *Minutes and Ordinance Register.* The Clerk of the Commission and of each municipal council shall maintain and make available for public inspection an ordinance register separate from the minutes showing the votes of each member on all ordinances and resolutions listed by descriptive title. Written minutes of all meetings and the ordinance register shall be available for public inspection not later than 30 days after the conclusion of the meeting.
5. *Right to be Heard.* So far as the orderly conduct of public business permits, any interested person has the right to appear before the Commission or any municipal council or any County or municipal agency, board or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the governmental entity involved; provided, nothing herein shall prohibit the Commission or any municipal council from referring a matter to a committee of each of their respective bodies to conduct a public hearing, unless prohibited by law. Matters shall be scheduled for the convenience of the public, and the agenda shall be divided into approximate time periods so that the public may know approximately when a matter will be heard. Nothing herein shall prohibit any governmental entity or agency from imposing reasonable time limits for the presentation of a matter.
6. *Right to Notice.* Persons entitled to notice of a County or municipal hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Failure by an individual to receive such notice shall not constitute mandatory grounds for cancelling the hearing or rendering invalid any determination made at such hearing. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing, unless the matter involves an emergency ordinance or resolution.

7. *No Unreasonable Postponements.* No matter once having been placed on a formal agenda by the County or any municipality shall be postponed to another day except for good cause shown in the opinion of the County Commission, the municipal council or other governmental entity or agency conducting such meeting, and then only on condition that any person so requesting is mailed adequate notice of the new date of any postponed meeting. Failure by an individual to receive such notice shall not constitute mandatory grounds for cancelling the hearing or rendering invalid any determination made at such hearing.

8. *Right to Public Hearing.* Upon a timely request of any interested party a public hearing shall be held by any County or municipal agency, board, department or authority upon any significant policy decision to be issued by it which is not subject to subsequent administrative or legislative review and hearing. This provision shall not apply to the Law Department of the County or of any municipality, nor to any body whose duties and responsibilities are solely advisory.

   At any zoning or other hearing in which review is exclusively by certiorari, a party or his counsel shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The decision of any such agency, board, department or authority must be based upon the facts in the record. Procedural rules establishing reasonable time and other limitations may be promulgated and amended from time to time.

9. *Notice of Actions and Reasons.* Prompt notice shall be given of the denial in whole or in part of a request of an interested person made in connection with any County or municipal administrative decision or proceeding when the decision is reserved at the conclusion of the hearing. The notice shall be accompanied by a statement of the grounds for denial.

10. *Mayor's, City Managers' and Attorneys' Reports.* The County Mayor and County Attorney and each City Manager and City Attorney shall periodically make a public status report on all major matters pending or concluded within their respective jurisdictions.

11. *Budgeting.* In addition to any budget required by state statute, the County Mayor shall prepare a budget showing the cost of each program for each budget year. Prior to the County Commission's first public hearing on the proposed budget required by state law, the County Mayor shall make public a budget summary setting forth the proposed cost of each individual program and reflecting all major proposed increases and decreases in funds and personnel for each program, the purposes therefore, the estimated millage cost of each program and the amount of any contingency and carryover funds for each program.

12. *Quarterly Budget Comparisons.* The County Mayor shall make public a quarterly report showing the actual expenditures during the quarter just ended against one quarter of the proposed annual expenditures set forth in the budget. Such report shall also reflect the same cumulative information for whatever portion of the fiscal year that has elapsed.

13. *Adequate Audits.* An annual audit of the County and each municipality shall be made by an independent certified public accounting firm in accordance with generally accepted auditing standards. A summary of the results, including any deficiencies found, shall be made public. In making such audit, proprietary functions shall be audited separately and adequate depreciation on proprietary facilities shall be accrued so the public may determine the amount of any direct or indirect subsidy.

14. *Regional Offices.* Regional offices of the County's administrative services shall be maintained at locations in the County for the convenience of the residents.

15. *Financial Disclosure.* The Commission shall by ordinance make provision for the filing under oath or affirmation by all County and municipal elective officials, candidates for County and municipal elective offices, such employees as may be designated by ordinance, and such other public officials, and outside consultants who receive funds from the County or municipalities, within the County and who may legally be included, of personal financial statements, copies of personal Federal income tax returns, or itemized source of income statements. Provision shall be made for preparing and keeping such reports current from time to time, and for public disclosure.

    The Commission shall also make provision for the filing annually under oath of a report by fulltime County and municipal employees of all outside employment and amounts received therefrom. The Mayor and any City Manager may require monthly reports from individual employees or groups of employees for good cause.

16. *Representation of Public.* The Commission shall endeavor to provide representation at all proceedings significantly affecting the County and its residents before State and Federal regulatory bodies.

17. *Commission on Ethics and Public Trust.* The County shall, by ordinance, establish an independent Commission on Ethics and Public Trust comprised of five members, not appointed by the County Commission, with the authority to review, interpret, render advisory opinions and enforce the county and municipal code of ethics ordinances, conflict of interest ordinances, lobbyist registration and reporting ordinances, ethical campaign practices ordinances, when enacted, and citizens' bill of rights.

(B). The foregoing enumeration of citizens' rights vests large and pervasive powers in the citizenry of Dade County. Such power necessarily carries with it responsibility of equal magnitude for the successful operation of government in the County. The orderly, efficient and fair operation of government requires the intelligent participation of individual citizens exercising their rights with dignity and restraint so as to avoid any sweeping acceleration in the cost of government because of the exercise of individual prerogatives, and for individual citizens to grant respect for the dignity of public office.

(C). Remedies for Violations. A citizen may bring a cause of action alleging a violation of this Article filed in the Dade County Circuit Court pursuant to its general equity jurisdiction and if successful, shall be entitled to recover costs as fixed by the Court. The Commission on Ethics and Public Trust may also enforce the provisions of this Article and may impose any penalty authorized by County Code not otherwise prohibited by a collective bargaining agreement, for a violation of this Article. Any penalty imposed by the Commission on Ethics and Public Trust pursuant to this subsection may be enforced in the Miami-Dade County Circuit Court.

(D). Construction. All provisions of this Article shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this Article shall be declared invalid, it shall not affect the validity of the remaining provisions.

ARTICLE LXXVIII. - COMMISSION ON ETHICS AND PUBLIC TRUST

Sec. 2-1066. - Creation of Commission.
Sec. 2-1067. - Legislative intent and purpose.
Sec. 2-1068. - Jurisdiction.
Sec. 2-1069. - Membership, qualifications, terms, vacancies.
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Sec. 2-1071. - Organization of the Ethics Commission.
Sec. 2-1072. - Powers and duties of the Ethics Commission.
Sec. 2-1073. - Financial support for the Ethics Commission.
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Sec. 2-1066. - Creation of Commission.

There is hereby created and established pursuant to the Miami-Dade County Home Rule Charter, as amended by Miami-Dade County voters on March 12, 1996, an independent agency and instrumentality of Miami-Dade County to be known as the "Commission on Ethics and Public Trust" (hereinafter "Ethics Commission"). The Ethics Commission shall be an advisory, quasi-judicial body which may exercise all those powers either specifically granted herein or necessary in the exercise of those powers herein enumerated.

(Ord. No. 97-105, § 1(1), 7-8-97)

Sec. 2-1067. - Legislative intent and purpose.

The Board of County Commissioners ("County Commission") finds that the integrity of both the governmental decisionmaking process and the process whereby candidates are elected is essential to the continued functioning of an open government. In order to ensure the integrity of these processes and restore public confidence in government, the County Commission finds it necessary to create the Ethics Commission. The purpose of the Ethics Commission is to serve as the guardian of the public trust by, among other things, educating the public, candidates for elective office, elected and appointed officials and other public servants as to the required standards of ethical conduct and enforcing those standards of conduct. It is not the intent of the County Commission that the Ethics Commission serve as a personnel board resolving personnel matters involving County and municipal employees.

(Ord. No. 97-105, § 1(2), 7-8-97)

Sec. 2-1068. - Jurisdiction.

The jurisdiction of the Ethics Commission shall extend to any person required to comply with the County or municipal Code of Ethics Ordinances, Conflict of Interest Ordinances, Lobbyist Registration and Reporting Ordinances, Ethical Campaign Practices Ordinances or Citizens' Bill of Rights.

(Ord. No. 97-105, § 1(3), 7-8-97; Ord. No. 98-94, § 2, 7-7-98)

Sec. 2-1069. - Membership, qualifications, terms, vacancies.

(a) *Composition and appointment.* The Ethics Commission shall be composed of five (5) members. The members of the Ethics Commission shall be appointed as follows:

(1) The Chief Judge of the Eleventh Judicial Circuit shall be requested to appoint one (1) former federal judge, or former United States magistrate or former State court judge;

(2) The Chief Judge of the Eleventh Judicial Circuit shall be requested to appoint one (1) former U.S.

Attorney or Assistant U.S. Attorney, former State Attorney or Assistant State Attorney, former County Attorney or Assistant County Attorney or former City Attorney or Assistant City Attorney;

(3) The Dean of the University of Miami School of Law or St. Thomas School of Law shall on a rotating basis be requested to appoint one (1) faculty member from his or her law school who has taught a course in professional legal ethics or has published or performed services in the field of professional legal ethics. The Dean of the University of Miami shall be requested to appoint the first faculty member to sit on the Ethics Commission. Upon the expiration of said member's term, the Dean of St. Thomas School of Law shall be requested to appoint a faculty member to sit on the Ethics Commission. Thereafter, each Dean shall on a rotating basis select a faculty member from his or her law school;

(4) The Director of Florida International University's Center for Labor Research and Studies shall be requested to appoint one (1) member; and

(5) The Miami-Dade County League of Cities, Inc. shall be requested to appoint one (1) member who has held elective office at the local level prior to appointment.

(b) *Additional qualifications.* Each member of the Ethics Commission shall be a United States citizen, resident of Miami-Dade County and shall be of outstanding reputation for integrity, responsibility and commitment to serving the community. The members of the Ethics Commission should be representative community-at-large and should reflect the racial, gender and ethnic make-up of the community. Prior to final selection of each member of the Ethics Commission, those persons empowered herein to appoint members shall meet and evaluate the qualifications of each person(s) under consideration to ensure (a) that said person (s) is qualified to serve on the Ethics Commission and (b) that the membership of the Ethics Commission will be representative of the community-at-large and reflect the racial, gender and ethnic make-up of the community. Before entering upon the duties of office, each appointee on the Ethics Commission shall take the prescribed oath of office. Members of the Ethics Commission shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

(c) *Term.* The members of the Ethics Commission shall serve staggered terms of four (4) years each, provided that of the original members, two (2) members shall be appointed for a term of two (2) years and three (3) shall be appointed for a term of four (4) years.

(d) *Vacancies.* A vacancy occurring during or at the expiration of a member's term on the Ethics Commission shall be filled as provided in subsections (a) and (b).

(e) *Additional requirements.* No individual, while a member of the Ethics Commission, shall:

(1) Hold or campaign for any elective political office;

(2) Hold office in any political party or political committee;

(3) Actively participate in or contribute to any political campaign or political action committee;

(4) Be employed by Miami-Dade County or any municipality within Miami-Dade County; or

(5) Allow his or her name to be used by a campaign in support of or against any candidate for political office or any referendum or other ballot question. Nothing herein shall preclude a member of the Ethics Commission from signing a petition in support of or against any referendum or other ballot question.

(Ord. No. 97-105, § 1(4), 7-8-97)

Sec. 2-1070. - Applicability of Conflict of Interest and Code of Ethics Ordinance.

The Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 of the Code of Miami-Dade County, Florida, shall be applicable to the members and staff of the Ethics Commission.

(Ord. No. 97-105, § 1(5), 7-8-97)

Sec. 2-1071. - Organization of the Ethics Commission.

The Ethics Commission shall elect one (1) of its voting members as chairperson who shall serve a term of two (2) years. No chairperson shall be permitted to serve two (2) consecutive terms.

The Ethics Commission shall hold regular, meetings in accordance with the by-laws of the Ethics Commission and the Ethics Commission may hold such other meetings as it deems necessary. Except as provided in Section 2-1074, all meetings of the Ethics Commission shall be public and written minutes of the proceedings thereof shall be maintained by the County Commission. All actions taken at the meetings of the Ethics Commission shall be promptly and properly recorded. Copies of all minutes, resolutions, decisions or advisory opinions of the Ethics Commission shall be forwarded to the Clerk of the Board of County Commissioners no later than thirty (30) days subsequent to any meeting of the Ethics Commission.

The Ethics Commission shall make, adopt and amend by-laws, rules of procedure which are consistent with the provisions of this ordinance and rules and regulations for the Ethics Commission's governance. The Ethics Commission shall be empowered to appoint an Executive Director and to remove such appointee at will. The Executive Director shall be a member of the Florida Bar in good standing. The Ethics Commission shall utilize a competitive selection process when selecting an Executive Director. The Ethics Commission shall fix the

Executive Director's salary. The Executive Director shall be exempt from the classified service.

The Executive Director shall be empowered to appoint, remove, and suspend employees or agents of the Ethics Commission, to fix their compensation, and to adopt personnel and management policies,

(Ord. No. 97-105, § 1(6), 7-8-97)

Sec. 2-1072. - Powers and duties of the Ethics Commission.

(a) The Ethics Commission shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided. The Ethics Commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the County and municipal:
- **(1)** Code of Ethics Ordinances;
- **(2)** Conflict of Interest Ordinances;
- **(3)** Lobbyist Registration and Reporting Ordinances; and
- **(4)** Ethical Campaign Practices Ordinances.

(b) The Ethics Commission shall be empowered to review, interpret and render advisory opinions regarding the applicability of the Citizens' Bill of Rights as provided in Section 2-1074

(c) The Ethics Commission shall from time to time review County and municipal Conflict of Interest and Code of Ethics Ordinances, Lobbyist Registration and Reporting Ordinances, Ethical Campaign Practices Ordinances, the Citizens' Bill of Rights and applicable state and federal statutes relating to ethics in government and shall report annually to the County Commission.

(d) The Ethics Commission shall prepare and make available to any person a copy of ordinances within the Ethics Commission's jurisdiction and the Citizens' Bill of Rights.

(e) The County Commission shall by resolution set a reasonable filing fee to be paid by any person filing a complaint as provided in Section 2-1074. The Ethics Commission may waive the filing fee when a complainant is indigent.

(f) The Ethics Commission shall be empowered to appoint and remove the Inspector General and exercise those powers as provided in Section 2-1076

(Ord. No. 97-105, § 1(7), 7-8-97; Ord. No. 97-215, § 1, 12-16-97; Ord. No. 98-94, § 2, 7-7-98)

Sec. 2-1073. - Financial support for the Ethics Commission.

The Ethics Commission shall establish a fiscal year which coincides with that of Miami-Dade County, and the County shall provide the Ethics Commission with financial support pursuant to the official county budget. The Ethics Commission shall timely submit to the Board of County Commissioners an Ethics Commission budget request pertaining to operating and capital expenditures, which request shall not be implemented until approved by the Board of County Commissioners.

The Ethics Commission budget request shall be prepared on official county budget forms in a format prescribed by the County Manager, shall be reviewed in a manner similar to that in which of other County departments are reviewed, and shall be incorporated in the proposed budget and timely submitted to the County Commission each year. Nothing contained herein shall be construed to prohibit the Ethics Commission from submitting to the County Commission supplemental budget requests which, if approved by the Commission, shall constitute amendments to the county budget. In addition to budgetary appropriations made by Miami-Dade County, the Ethics Commission may accept grants, contributions or appropriations from the federal government, state government, any municipality within Miami-Dade County, or any academic institution or nonprofit entity which has not entered into a contract or transacted business with the County. The Ethics Commission may accept grants, contributions or appropriations from an academic institution or nonprofit entity which has entered into a contract or transacted business with the County if the County Commission by resolution approves the grant, contribution, or appropriation. No other grants, contributions or appropriations may be accepted by the Ethics Commission.

(Ord. No. 97-105, § 1(8), 7-8-97; Ord. No. 01-23, § 1, 1-23-01)

Sec. 2-1074. - Procedure on complaint of violation or request for advisory opinion within Ethics Commission's jurisdiction.

(a) *Legally sufficient complaint.*
- **(1)** Upon a written complaint filed by the Inspector General, the Advocate or the State Attorney which alleges a violation within the jurisdiction of the Ethics Commission, the Ethics Commission shall conduct an investigation of said complaint. Any complaint filed by the Inspector General, the Advocate or the State Attorney shall be sworn to by the person filing the complaint before a notary public and shall contain the following language: Personally known to me and appeared before me, _____, whose signature appears below, being first duly sworn, says that the allegations

set forth in this complaint are based upon facts which have been sworn to as true by a material witness or witnesses and which if true would constitute the offenses alleged and that this complaint is instituted in good faith. Within five (5) days after receipt of a complaint by the Ethics Commission, a copy of the complaint shall be sent to the alleged violator.

(2) Upon a written complaint, except for a complaint filed by the Inspector General, the Advocate or the State Attorney as provided for in Section 2-1074 (a) (1), which alleges the elements of a violation within the Ethics Commission's jurisdiction and is (i) executed on a form prescribed by the Ethics Commission, (ii) based substantially upon the personal knowledge of the complainant and (iii) signed under oath or affirmation by the complaining person, the Ethics Commission shall investigate any alleged violation within its jurisdiction. Within thirty (30) days after receipt of a complaint by the Ethics Commission, a copy shall be sent to the alleged violator.

(b) *Preliminary investigation and public hearing.* A preliminary investigation shall be undertaken by the Ethics Commission of each legally sufficient complaint over which the Ethics Commission has jurisdiction to determine whether there is probable cause to believe that a violation has occurred. Where a complaint is filed pursuant to subsection (a)(1), the Ethics Commission shall within sixty (60) days from the receipt of the complaint, unless extended by the Ethics Commission for good cause, determine whether the complaint is legally sufficient. If, upon completion of the preliminary investigation, the Ethics Commission finds no probable cause to believe that a violation has been committed, the Ethics Commission shall dismiss the complaint with the issuance of a report to the complainant and the alleged violator. If the Ethics Commission finds from the preliminary investigation probable cause to believe that a violation has been committed, it shall notify via certified mail the complainant and the alleged violator, otherwise known as the respondent, in writing. Where a complaint is filed pursuant to subsection (a)(1), the Ethics Commission shall make a probable cause determination within sixty (60) days from the date the complaint is filed. Where a complaint is filed pursuant to subsection (a)(2), the Ethics Commission shall make a probable cause determination within sixty (60) days from the date the complaint is filed. Upon request submitted to the Ethics Commission in writing, any person who the Ethics Commission finds probable cause to believe has committed a violation of a provision within its jurisdiction shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within twenty-one (21) days following the mailing of the probable cause notification required by this subsection. The Ethics Commission may on its own motion require a public hearing, may conduct such further investigation as it deems necessary, and may enter into such stipulations and settlements as it finds to be just and in the best interest of the citizens of Miami-Dade County. The public hearing provided for in this Section 2-1074 shall be held within sixty (60) days of the probable cause determination unless extended by the Ethics Commission for good cause.

(c) *Investigations.* Investigations shall be conducted by Ethics Commission staff or by any other person or agency so designated by the Ethics Commission under the supervision of the Executive Director and/or the Inspector General. Investigations shall be limited to the allegations of the complaint, but shall include an investigation of all facts and persons materially related to the complaint at issue.

(d) *Counsel.*

(1) *Counsel to Ethics Commission.* The Ethics Commission shall select counsel to advise the Ethics Commission.

(2) *Advocate.* The Ethics Commission shall retain legal counsel to serve as the Advocate. The Advocate shall prosecute cases before the Ethics Commission.

(3) *Respondent.* The respondent may appear on his or her own behalf or may be represented by a lawyer. All notices and communications to a respondent. represented by a lawyer shall be made through respondent's lawyer.

(4) *Complainant.* To the limited extent the complainant is entitled to participate in or observe Commission proceedings, the complainant may be represented by legal counsel. All notices and communications to a complainant represented by a lawyer shall be made through complainant's lawyer.

(5) *Legal Opinion From County or City Attorney.* Where a complaint or request for an advisory opinion requires interpretation of a particular ordinance within the jurisdiction of the Ethics Commission as provided in Section 2-1072, the County Attorney and any City Attorney may provide the Ethics Commission with a nonbinding legal opinion.

(e) *Public meetings and public records.* All proceedings, the complaint, and other records relating to the preliminary investigation as provided herein shall be confidential and exempt from the provisions of Section 119, Florida Statutes, either until the alleged violator requests in writing that such investigation and records be made public records or the preliminary investigation is completed notwithstanding any provision of Chapter 120, Florida Statutes, and Chapter 286, Florida Statutes. As provided in Section 2-1074(b), the preliminary investigation is completed when the probable cause determination is made. All other proceedings conducted pursuant to this subsection shall be public meetings within the meaning of Chapter 286, Florida Statutes, and all other documents made or received by the Ethics Commission shall be public records within the of Chapter 119, Florida Statutes.

(f) *[Response.]* Any response to a request of a person within the Ethics Commission's jurisdiction shall be addressed in the first instance to the person making the request.

(g) *Subpoena.* The Ethics Commission shall be empowered to subpoena, audit, and investigate. The Ethics

Commission may by a two-thirds (2/3) vote of the entire membership subpoena relevant witnesses and compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items relevant to the performance of the duties of the Ethics Commission or to the exercise of its powers. The Ethics Commission may delegate to its investigators the authority to administer oaths and affirmations. Prior to issuing a subpoena, the Executive Director shall notify the State Attorney and the U.S. Attorney for the Southern District of Florida. In the case of a refusal to obey a subpoena issued to any person, the Ethics Commission may make application to any circuit court of this State which shall have jurisdiction to order the witness to appear before the Ethics Commission and to produce evidence, if so ordered, or to give testimony touching on the matter in question. Any person who fails to obey the order may be punished in a court of law.

(h) *Subpoenas for discovery; discovery.* At any time after the Ethics Commission orders a public hearing of the matter, the Ethics Commission may issue subpoenas to effect discovery upon the written request of respondent or Advocate. The requesting person shall give the name and address of each witness he or she wishes to have deposed and shall describe with particularity those documents or other items that the person wishes to have the witness produce, bring or deliver pursuant to a subpoena duces tecum. Subpoenas shall be issued as provided in Section 2-1074(g). Parties may also obtain discovery through the means and in the manner provided in Rules 1.280 through 1.390, Florida Rules of Civil Procedure. The chairperson or a member of the Ethics Commission designated by the chairperson may issue appropriate orders to effectuate the purposes of discovery and to prevent delay.

(i) *Subpoenas for public hearing.* The respondent and the Advocate shall submit to the Executive Director a list of all witnesses he or she wishes to have subpoenaed to attend the hearing. The lists shall contain the correct names and addresses of the witnesses and shall describe with particularity those documents or other items that he or she wishes to have the witness bring to the hearing pursuant to subpoena duces tecum. Subpoenas shall be issued as provided in Section 2-1074(g).

(j) *Motions.*

(1) All motions shall be in writing unless made on the record during a hearing, and shall fully state the actions requested and the grounds relied upon. The motion shall include a statement that the movant has conferred with the Advocate and all other parties of record and shall state whether there is any objection to the motion.

(2) The original written motion shall be filed with the Ethics Commission and a copy served on all parties or their attorneys. The Ethics Commission staff shall send a copy of the motion to the chairperson.

(3) Unless the motion is in opposition to the proceeding as provided in Section 2-1074(k), the chairperson, or a member of the Ethics Commission designated by the chairperson, shall conduct such proceedings and make such orders as are deemed necessary to dispose of issues raised by motions, but is not required to hold a hearing on the motion in order to rule upon it.

(4) Every written motion may be accompanied by, or included in, a written memorandum stating the grounds upon which the motion is based. Other parties to a proceeding may, within seven (7) days of service of a written motion, file written memoranda in opposition.

(k) *Motions in opposition to proceeding.* Motions in opposition to a proceeding include motions to dismiss, to strike, and for a more definite statement and shall be filed within twenty (20) days of service of the notice of hearing. Unless waived by the parties, the Ethics Commission shall hold a hearing and rule on the motion.

(l) *Prehearing conferences.* The chairperson, or a member of the Ethics Commission designated by the chairperson, may conduct one (1) or more prehearing conferences for the purpose of hearing arguments on pending motions, clarifying and simplifying issues, discussing the possibilities of settlement of the issues, examining exhibits and documents, exchanging names and addresses of witnesses, and resolving other procedural matters.

(m) *Exchange of witness lists.* Unless otherwise ordered by the chairperson or a member of the Ethics Commission designated by the chairperson as a result of a prehearing conference, the Advocate and the respondent(s) or counsel for respondent(s) shall exchange the names and addresses of witnesses at least ten (10) days prior to the public hearing, with a copy being provided to the chairperson. Names and addresses of witnesses discovered subsequently shall be disclosed to the other party or parties and to the chairperson as soon as possible. Failure to disclose the name and address of a witness may result in the exclusion of the witness's testimony, according to the rule applied in civil judicial proceedings.

(n) *Procedures for public hearings.*

(1) *Presentation of the case.* The Advocate shall present his or her case first. Respondent may then present his or her case. Rebuttal evidence may be permitted in the discretion of the Ethics Commission.

(2) *Opening and closing statements.* Opening and closing statements may be presented by the Advocate and the respondent. The Advocate may make the first statement and the respondent may follow. Rebuttal by the Advocate may be permitted or may be denied.

(3) *Evidence.*

(a) Stipulations may be received and are encouraged as to uncontested matters.

(b) Oral evidence shall be taken only on oath or affirmation.

(c) The respondent and the Advocate shall have the right: to present evidence relevant to the

issue; to cross-examine opposing witnesses on any matter relevant to the issue; and to impeach any witness regardless of who first called him or her to testify.

(d) The hearing shall not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted. Hearsay evidence may be used to supplement or explain other evidence, but shall not be sufficient in itself to support a finding. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded. The Ethics Commission shall not allow the introduction into evidence of an affidavit of a person when that person can be called to testify; this shall not preclude the admission of a deposition of such a person, however, for any reason permissible in a court of law under the Florida Rules of Civil Procedure.

(4) *Transcript of proceedings.* The proceedings shall be recorded by recording instruments or by a court reporter. Respondent may, at his or her own expense, provide a court reporter or recording instruments. The Ethics Commission may provide a court reporter. No transcript of the proceedings shall be prepared unless requested by the Ethics Commission or by the respondent. If the respondent requests that a transcript be prepared by a court reporter, the respondent shall pay the expense of transcription. If the respondent requests that the Ethics Commission prepare a transcript from recording instruments and the Ethics Commission grants such request, the respondent shall pay the Ethics Commission the actual cost of transcription. If a court reporter records the proceedings, the court reporter's transcript shall be the official transcript.

(5) *Proposed public report.* After the conclusion of the hearing, the respondent and the Advocate may present written proposed public reports, within a time designated by the chairperson or a member of the Ethics Commission designated by the chairperson. If a proposed public report is filed by the respondent or the Advocate each proposed finding in the proposal that is rejected shall be accompanied by a statement summarizing the reasons for rejection.

(o) *Motions to dismiss filed by Advocate.* After probable cause is found and a public hearing is ordered by the Ethics Commission and after further investigation or discovery is made by the Advocate, the Advocate may move to dismiss the proceeding if the Advocate concludes that there is insufficient evidence to proceed to the public hearing in good faith. Such a motion shall specifically state the grounds upon which it is made. The motion shall be heard by the Ethics Commission in accordance with the procedure provided for in subsection (k).

(p) *Public order imposing penalty.* Upon completion of any investigation initiated under this subsection, the Ethics Commission shall make a finding and public report as to whether any provision within its jurisdiction has been violated. If the Ethics Commission finds, based upon clear and convincing evidence in the record, that a violation has been committed, the Ethics Commission shall issue an order imposing the appropriate penalty as provided in the ordinance being enforced. The public report and final order shall include a determination as to whether the violation was intentional or unintentional. The Ethics Commission shall, within eighteen (18) months of the filing of a complaint, render a final order disposing of said complaint. If a person fails to comply with an order issued by the Ethics Commission, the Ethics Commission may make application to any circuit court of this State which shall have jurisdiction to order the violator to comply with the order of the Ethics Commission. Any violator who fails to obey the order may be punished by the court.

(q) *[Initiating prosecution.]* The Ethics Commission shall notify the State Attorney or any other appropriate official or agency having authority to initiate prosecution when a violation of criminal law is indicated. The Ethics Commission shall notify the State of Florida Commission on Ethics, the State Attorney, the U.S. Attorney for the Southern District of Florida and other appropriate law enforcement agencies within ten (10) days of a finding of no probable cause or of a final order disposing of a complaint.

(r) *Exhaustion of municipal remedies.* Where a municipal Code of Ethics Ordinance, Conflict of Interest Ordinance or Lobbyist Registration and Reporting Ordinance provides for a municipal administrative remedy, a complainant shall be required to exhaust his or her municipal administrative remedies prior to filing a written complaint with the Ethics Commission.

(s) *Dismissal of complaints.* Notwithstanding any other provision of this ordinance, the Ethics Commission may, at its discretion, (i) dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, or (ii) dismiss any complaint at any stage of disposition and issue a letter of instruction to the respondent when it appears that the alleged violation was inadvertent, unintentional Commission or insubstantial. In the event the Ethics dismisses a complaint provided in this subsection (s), the Ethics Commission shall issue a public report stating with particularity its reasons for the dismissal. The Ethics Commission may, at the request of the State Attorney or any other law enforcement agency, stay an ongoing proceeding. The Ethics Commission shall not interfere with any ongoing criminal investigation of the State Attorney or U.S. Attorney for the Southern District of Florida.

(t) *Frivolous or groundless complaints.* In any case in which the Ethics Commission determines that the complaining party filed a frivolous or groundless complaint as defined in Section 57.105, Florida Statutes, the Ethics Commission shall order the complaining party to pay any costs and attorney's fees incurred by the Ethics Commission and/or the alleged violator. The determination by the Ethics Commission regarding whether a complaint is frivolous or groundless shall be deemed conclusive. The County Commission or any city commission may pay any attorney's fees and costs incurred by a respondent when the Ethics

Commission finds either no probable cause to believe that a violation has been committed or that no violation has been committed.

(u) *[Other applicable laws.]* The provisions of this article shall be deemed supplemental to any other applicable Miami-Dade County ordinance or state or federal law and are not intended to replace or repeal any provision of state or federal law or of the Miami-Dade County Code.

(v) *Prospective jurisdiction.* The Ethics Commission shall be empowered to consider alleged violations within its jurisdiction committed on or after the effective date of this ordinance. Any alleged violation committed before the effective date of this ordinance shall be governed by the applicable County or municipal Code of Ethics Ordinances, Conflict of Interest Ordinances or Lobbyist Registration and Reporting Ordinances in effect at the time of the alleged violations.

(w) *Personnel proceeding.* Where an employee of Miami-Dade County or a municipality within Miami-Dade County is alleged to have violated an ordinance within the jurisdiction of the Ethics Commission and, based upon the same set of facts, is subject to an ongoing disciplinary action initiated by Miami-Dade County or a municipality, the Ethics Commission shall stay consideration of a complaint until the conclusion of the personnel proceeding.

(x) *Statute of limitations.* Unless provided otherwise in a County or municipal Code of Ethics Ordinance, Conflict of Interest Ordinance, Ethical Campaign Practices Ordinance or Lobbyist Registration and Rating Ordinance, no action may be taken on a complaint filed more than three (3) years after the violation is alleged to have accrued unless a person, by fraud or other device, prevents discovery of the violation. Where the allegations are the subject of a personnel proceeding or where the complainant is required to exhaust his or her administrative remedies prior to filing a complaint, the statute of limitations shall be tolled until the termination of said personnel proceeding or the exhaustion of administrative remedies.

(y) *Advisory opinion.* Any person within the Ethics Commission's jurisdiction, when in doubt about the applicability or interpretation of any provision within the Ethics Commission's jurisdiction, to himself or herself in a particular context, may submit in writing the facts of the situation to the Ethics Commission with a request for an advisory opinion to establish the standard of public duty, if any. An advisory opinion shall be rendered by the Ethics Commission on a timely basis, and each such opinion shall be numbered, dated and published. Such opinion, until amended or revoked, shall be binding on the conduct of the official or candidate who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

(Ord. No. 97-105, § 1(9), 7-8-97; Ord. No. 98-94, § 2, 7-7-98; Ord. No. 99-149, § 1, 10-19-99; Ord. No. 06-149, § 1, 10-10-06)

Sec. 2-1075. - Appeals.

(a) Any final order where the Ethics Commission finds that a violation has been committed or any advisory opinion issued by the Ethics Commission shall be subject to review in accordance with the Florida Rules of Appellate Procedure. The Ethics Commission shall provide the index and record on appeal when required by, and in accordance with, the Florida Rules of Appellate Procedure. A fee may be charged by the Ethics Commission for the preparation and transmission of the record on appeal to the court of appropriate jurisdiction. Such fee may be waived by the Executive Director if the party requesting the record is indigent.

(b) Costs or fees may not be assessed against the Ethics Commission in any appeal from a final order or advisory opinion issued by the Ethics Commission pursuant to this chapter.

(c) Unless specifically ordered by the Ethics Commission or by a court of competent jurisdiction, the commencement of an appeal does not suspend or stay a final order or advisory opinion of the Ethics Commission.

(Ord. No. 97-105, § 1(10), 7-8-97)

Sec. 2-1076. - Office of the Inspector General.

(a) *Created and established.* There is hereby created and established the Office of Miami-Dade County Inspector General. The Inspector General shall head the Office. The organization and administration of the Office of the Inspector General shall be sufficiently independent to assure that no interference or influence external to the Office adversely affects the independence and objectivity of the Inspector General.

(b) *Minimum Qualifications, Appointment and Term of Office.*

(1) *Minimum qualifications.* The Inspector General shall be a person who:

(a) Has at least ten (10) years of experience in any one, or combination of, the following fields:

(i) as a Federal, State or local Law Enforcement Officer;

(ii) as a Federal or State court judge;

(iii) as a Federal, State or local government attorney;

(iv) progressive supervisory experience in an investigative public agency similar to an inspector general's office;

(b) Has managed and completed complex investigations involving allegations of fraud, theft,

deception and conspiracy;

(c) Has demonstrated the ability to work with local, state and federal law enforcement agencies and the judiciary; and

(d) Has a four-year degree from an accredited institution of higher learning.

(2) *Appointment.* The Inspector General shall be appointed by the Ad Hoc Inspector General Selection Committee ("Selection Committee"), except that before any appointment shall become effective, the appointment must be approved by a majority of the whole number of members of the Board of County Commissioners at the next regularly scheduled County Commission meeting after the appointment. In the event that the appointment is disapproved by the County Commission, the appointment shall become null and void, and the Selection Committee shall make a new appointment, which shall likewise be submitted for approval by the County Commission. The Selection Committee shall be composed of five members selected as follows:

(a) The State Attorney of the Eleventh Judicial Circuit for Miami-Dade County;

(b) The Public Defender of the Eleventh Judicial Circuit for Miami-Dade County;

(c) The Chairperson of the Miami-Dade Commission on Ethics and Public Trust;

(d) The President of the Miami-Dade Police Chief's Association; and

(e) The Special Agent in charge of the Miami Field Office of the Florida Department of Law Enforcement.

The members of the Selection Committee shall elect a chairperson who shall serve as chairperson until the Inspector General is appointed. The Selection Committee shall select the Inspector General from a list of qualified candidates submitted by the Miami-Dade County Employee Relations Department.

(3) *Term.* The Inspector General shall be appointed for a term of four (4) years. In case of a vacancy in the position of Inspector General, the Chairperson of the Board of County Commissioners may appoint the deputy inspector general, assistant inspector general, or other Inspector General's office management personnel as interim Inspector General until such time as a successor Inspector General is appointed in the same manner as described in subsection (b)(2) above. The Commission may by majority vote of members present disapprove of the interim appointment made by the Chairperson at the next regularly scheduled County Commission meeting after the appointment. In the event such appointment shall be disapproved by the County Commission, the appointment shall become null and void and, prior to the next regularly scheduled Commission meeting, the Chairperson shall make a new appointment which shall likewise be subject to disapproval as provided in this subsection (3). Any successor appointment made by the Selection Committee as provided in subsection (b)(2) shall be for the full four-year term.

Upon expiration of the term, the Board of County Commissioners may by majority vote of members present reappoint the Inspector General to another term. In lieu of reappointment, the Board of County Commissioners may reconvene the Selection Committee to appoint the new Inspector General in the same manner as described in subsection (b)(2). The incumbent Inspector General may submit his or her name as a candidate to be considered for selection and appointment.

(4) *Staffing of Selection Committee* The Miami-Dade County Employee Relations Department shall provide staffing to the Selection Committee and as necessary will advertise the acceptance of resumes for the position of Inspector General and shall provide the Selection Committee with a list of qualified candidates. The County Employee Relations Department shall also be responsible for ensuring that background checks are conducted on the slate of candidates selected for interview by the Selection Committee. The County Employee Relations Department may refer the background checks to another agency or department. The results of the background checks shall be provided to the Selection Committee prior to the interview of candidates.

(c) *Contract.* The Director of the Employee Relations Department shall, in consultation with the County Attorney, negotiate a contract of employment with the Inspector General, except that before any contract shall become effective, the contract must be approved by a majority of Commissioners present at a regularly scheduled Commission meeting.

(d) *Functions, authority and powers.*

(1) The Office shall have the authority to make investigations of county affairs and the power to review past, present and proposed County and Public Health Trust programs, accounts, records, contracts and transactions.

(2) The Office shall have the power to require reports from the Mayor, County Commissioners, Manager, County agencies and instrumentalities. County officers and employees and the Public Health Trust and its officers and employees regarding any matter within the jurisdiction of the Inspector General.

(3) The Office shall have the power to subpoena witnesses, administer oaths and require the production of records. In the case of a refusal to obey a subpoena issued to any person, the Inspector General may make application to any circuit court of this State which shall have jurisdiction to order the witness to appear before the Inspector General and to produce evidence if so ordered, or to give testimony touching on the matter in question. Prior to issuing a subpoena, the Inspector General shall notify the State Attorney and the U.S. Attorney for the Southern District of Florida. The Inspector General shall not interfere with any ongoing criminal investigation of the

State Attorney or the U.S. Attorney for the Southern District of Florida where the State Attorney or the U.S. Attorney for the Southern District of Florida has explicitly notified the Inspector General in writing that the Inspector General's investigation is interfering with an ongoing criminal investigation;

(4) The Office shall have the power to report and/or recommend to the Board of County Commissioners whether a particular project, program, contract or transaction is or was necessary and, if deemed necessary, whether the method used for implementing the project or program is or was efficient both financially and operationally. Any review of a proposed project or program shall be performed in such a manner as to assist the Board of County Commissioners in determining whether the project or program is the most feasible solution to a particular need or problem. Monitoring of an existing project or program may include reporting whether the project is on time, within budget and in conformity with plans, specifications and applicable law;

(5) The Office shall have the power to analyze the need for, and the reasonableness of, proposed change orders. The Inspector General shall also be authorized to conduct any reviews audits, inspections, investigations or analyses relating to departments, offices, boards, activities, programs and agencies of the County and the Public Health Trust;

(6) The Inspector General may, on a random basis, perform audits, inspections and reviews of all County contracts. The cost of random audits, inspections and reviews shall, except as provided in (a)—(o) in this subsection (6) be incorporated into the contract price of all contracts and shall be one quarter (¼) of one (1) percent of the contract price (hereinafter "IG contract fee"). The IG contract fee shall not apply to the following contracts:

- **(a)** IPSIG contracts;
- **(b)** Contracts for legal services;
- **(c)** Contracts for financial advisory services;
- **(d)** Auditing contracts;
- **(e)** Facility rentals and lease agreements;
- **(f)** Concessions and other rental agreements;
- **(g)** Insurance contracts;
- **(h)** Revenue-generating contracts;
- **(i)** Contracts where an IPSIG is assigned at the time the contract is approved by the Commission;
- **(j)** Professional service agreements under one thousand dollars ($1,000.00);
- **(k)** Management agreements;
- **(l)** Small purchase orders as defined in Administrative Order 3-2;
- **(m)** Federal, state and local government-funded grants;
- **(n)** Interlocal agreements; and
- **(o)** Grant Agreements granting not-for-profit organizations Building Better Communities General Obligation Bond Program funds.

Notwithstanding the foregoing, the Commission may by resolution specifically authorize the inclusion of the IG contract fee in any contract. Nothing contained in this Subsection (c)(6) shall in any way limit the powers of the Inspector General provided for in this Section to perform audits, inspections, reviews and investigations on all county contracts including, but not limited to, those contracts specifically exempted from the IG contract fee.

(7) Where the Inspector General detects corruption or fraud, he or she shall notify the appropriate law enforcement agencies. Subsequent to notifying the appropriate law enforcement agency, the Inspector General may assist the law enforcement agency in concluding the investigation. When the Inspector General detects a violation of one (1) of the ordinances within the jurisdiction of the Ethics Commission, he or she may file a complaint with the Ethics Commission or refer the matter to the Advocate;

(8) The Inspector General shall have the power to audit, investigate, monitor, oversee, inspect and review the operations, activities and performance and procurement process including, but not limited to, project design, establishment of bid specifications, bid submittals, activities of the contractor, its officers, agents and employees, lobbyists, County staff and elected officials in order to ensure compliance with contract specifications and detect corruption and fraud.

(9) The Inspector General shall have the power to review and investigate any citizen's complaints regarding County or Public Health Trust projects, programs, contracts or transactions.

(10) The Inspector General may exercise any of the powers contained in Section 2-1076 upon his or her own initiative.

(11) The Inspector General shall be notified in writing prior to any meeting of a selection or negotiation committee where any matter relating to the procurement of goods or services by the County is to be discussed. The notice required by this subsection (11) shall be given to the Inspector General as soon as possible after a meeting has been scheduled, but in no event later than twenty-four (24) hours prior to the scheduled meeting. The Inspector General may, at his or her discretion, attend all duly noticed County meetings relating to the procurement of goods or services as provided herein, and, in addition to the exercise of all powers conferred by Section 2-1076, may pose questions and

raise concerns consistent with the functions, authority and powers of the Inspector General. An audio tape recorder shall be utilized to record all selection and negotiation committee meetings.

(12) The Inspector General shall have the authority to retain and coordinate the services of Independent Private Sector Inspectors General (IPSIG) or other professional services, as required, when in the Inspector General's discretion he or she concludes that such services are needed to perform the duties and functions enumerated in subsection (d) herein.

(e) *Physical facilities and staff.*

1. The County shall provide the Office of the Inspector General with appropriately located office space and sufficient physical facilities together with necessary office supplies, equipment and furnishings to enable the Office to perform its functions.

2. The Inspector General shall have, subject to budgetary allocation by the Board of County Commissioners, the power to appoint, employ, and remove such assistants, employees and personnel and establish personnel procedures as deemed necessary for the efficient and effective administration of the activities of the Office.

(f) *Procedure for finalization of reports and recommendations which make findings as to the person or entity being reviewed or inspected.* Notwithstanding any other provision of this Code, whenever the Inspector General concludes a report or recommendation which contains findings as to the person or entity being reported on or who is the subject of the recommendation, the Inspector General shall provide the affected person or entity a copy of the report or recommendation and such person or entity shall have 10 working days to submit a written explanation or rebuttal of the findings before the report or recommendation is finalized, and such timely submitted written explanation or rebuttal shall be attached to the finalized report or recommendation. The requirements of this subsection (f) shall not apply when the Inspector General, in conjunction with the State Attorney, determines that supplying the affected person or entity with such report will jeopardize a pending criminal investigation.

(g) *Reporting.* The Inspector General shall annually prepare and submit to the Mayor and Board of County Commissioners a written report concerning the work and activities of the Office including, but not limited to, statistical information regarding the disposition of closed investigations, audits and other reviews.

(h) *Removal.* The Inspector General may be removed from office upon the affirmative vote of two-thirds (2/3) of the whole number of members of the Board of County Commissioners.

(i) *Abolition of the Office.* The Office of Inspector General shall only be abolished upon the affirmative vote of two-thirds (2/3) of the whole number of members of the Board of County Commissioners.

(j) *Retention of current Inspector General.* Notwithstanding any provision to the contrary, the incumbent Inspector General, Christopher R. Mazzella, shall serve a four-year term of office commencing on December 20, 2005, as provided in the Memorandum of Understanding approved by Resolution No. R-1394-05, and shall not be subject to the appointment process provided for in Section 2-1076(b)(2).

(Ord. No. 97-215, § 1, 12-16-97; Ord. No. 99-63, § 1, 6-8-99; Ord. No. 99-149, § 1, 10-19-99; Ord. No. 00-105, § 1, 7-25-00; Ord. No. 01-114, § 1, 7-10-01; Ord. No. 05-51, § 1, 3-1-05; Ord. No. 06-88, § 2, 6-6-06; Ord. No. 07-165, § 1, 11-6-07)

Secs. 2-1077—2-1085. - Reserved.

MIAMI-DADE COMMISSION ON ETHICS & PUBLIC TRUST

BY-LAWS

ARTICLE I – IDENTICATION

Section 1: Name

The Miami-Dade Commission on Ethics & Public Trust (Ethics Commission).

Section 2: Offices

19 West Flagler Street, Suite 820
Miami, Florida 33130
or such address where the Commission may be located from time to time

ARTICLE II – MISSION STATEMENT

Section 1: Mission

The mission of the Ethics Commission is to ensure the integrity of both the governmental decision-making process and the electoral process, to maintain public confidence in government, and to serve as the guardian of the public trust.

Section 2: Strategy

In order to accomplish its mission, the Ethics Commission shall:

1. Educate the public, candidates for elective office, elected and appointed officials, lobbyists, and public employees on existing standards of ethical conduct;
2. Issue advisory opinions on matters under the Ethics Commission's jurisdiction;
3. Actively enforce the standards of conduct that apply to candidates for elective office, elected and appointed officials, lobbyists, and public employees;
4. Recommend changes in or additions to ordinances under the Ethics Commission's jurisdiction, as well as to applicable State and Federal statutes related to ethics in government.

ARTICLE III – ETHICS COMMISSION

Section 1: Number, Appointing Authority and Qualifications

The Ethics Commission shall consist of five (5) members. The Chief Judge of the Eleventh Judicial Circuit shall appoint two (2) members of the Commission. The Dean of the University of Miami School of Law or St. Thomas University School of Law shall, on a rotating basis, appoint one member. The Dean of the University of Miami shall have the authority to appoint the first member. The Director of Florida International University's Center for Labor Research and Studies and the Miami-Dade County League of Cities, Inc., each shall appoint one (1) member of the Commission. One (1) member appointed by the Chief Judge shall be a former federal judge, former United States magistrate or a former state court judge. The second member appointed by the Chief Judge shall be a former United States Attorney or Assistant United States Attorney, former State Attorney or Assistant State Attorney, former County Attorney or Assistant County Attorney, former City Attorney or Assistant City Attorney. The member appointed by the law school deans shall have taught a course in professional legal ethics or published or performed services in the field of professional legal ethics. The Florida International University Labor Center shall appoint one (1) individual. The League of Cities, Inc., shall appoint an individual who has held elective office at the local level prior to appointment.

Section 2: Term of Appointment

The members of the Ethics Commission shall serve staggered terms of four (4) years each, provided that of the original members, two (2) shall be appointed to a term of two years and three shall be appointed for a term of four years.

Section 3: Conditions of Appointment

During their tenure, members of the Commission may not hold or campaign for any elective political office, hold office in any political party or political committee, actively participate in or contribute to any political campaign or political action committee, be employed by Miami-Dade County or any municipality within Miami-Dade County or allow his or her name to be used by a campaign in support of or against any candidate for political office or any referendum or other ballot question. Each member of the Ethics Commission shall be a United States Citizen and a resident of Miami-Dade County.

Section 4: Duties and Responsibilities

The Ethics Commission shall:

1. Develop educational programs and materials and engage in community outreach to inform and educate County and municipal officials and employees, lobbyists, and the public at large about County and municipal ethics ordinances, ethical campaign practices ordinances, the Citizen's Bill of Rights and any other County or municipal provisions that authorize the Ethics Commission to exercise its jurisdiction.
2. Issue advisory opinions regarding conflicts of interest faced by candidates for elective office, elected and appointed officials, lobbyists, and public employees.
3. Review, interpret and render advisory opinions regarding the applicability of the Citizens' Bill of Rights.
4. Make legal sufficiency and probable cause determinations, approve settlement agreements, issue Letters of Instruction and Reprimands, conduct public hearings, issue public reports and issue final orders regarding disposition and penalties.
5. Make determinations regarding lobbyist appeals as provided in Section 2-11.1(s).

Section 5: Compensation

Ethics Commissioners shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties.

Section 6: Vacancy

A vacancy during or at the expiration of a member's term on the Ethics Commission shall be filled as provided in Article III, Section 1. The newly appointed member shall not serve out the remainder of his or her predecessor's term but shall start a new four (4) year term. An exception is made in the case of a joint appointment between St. Thomas University School of Law and the University of Miami School of Law. A person appointed from either law school shall only serve out the remainder of his or her predecessor's term. At the expiration of a member's term, the Executive Director or his or her designee shall contact the appointing official to fill the position. For vacancies occurring during an existing term, the Executive Director or his or her designee shall contact the appointing official to fill the position.

Section 7: Removal

An Ethics Commissioner may be removed for:

1. Failure to meet the eligibility requirements as provided herein.

2. An unexcused absence from three (3) or more regularly scheduled meetings during the course of a calendar year. The determination of an unexcused absence for any member of the Commission, other than the Chair, shall be made by the Chair. The determination of an unexcused absence by the Chairperson, shall be made by the Vice-Chairperson.

Should removal be necessary, it shall be done by the appointing authority upon notification by the Executive Director.

ARTICLE IV – OFFICERS

Section 1: Officers

The officers of the Ethics Commission are a Chairperson and a Vice-Chairperson.

Section 2: Term of Office

The term of the Chairperson and Vice-Chairperson is two (2) years.

Section 3: Chairperson

The Chairperson shall preside at all meetings of the Ethics Commission and perform all additional duties as may be enumerated in the Ethics Commission's by-laws or Rules of Procedure.

Section 4: Vice-Chairperson

In the absence or disability of the Chairperson, the Vice-Chairperson shall perform the duties described in Article IV, Section 3.

ARTICLE V – ETHICS COMMISSION STAFF

Section 1: Executive Director

The Executive Director shall be appointed by and serves at the pleasure of the Ethics Commission. The Executive Director shall serve as the chief executive of the department and shall be a member of the Florida Bar.

Section 2: General Counsel

The General Counsel shall be appointed by and serves at the pleasure of the Ethics Commission as set out in the Ethics Commission's Personnel Manual.

Section 3: Advocate

The Advocate shall be appointed by and serves at the pleasure of the Ethics Commission. The Advocate shall prosecute cases before the Ethics Commission as set out in the Ethics Commission's Personnel Manual.

Section 4: Other Employees

The Executive Director shall have the authority to appoint, remove and suspend other employees.

ARTICLE VI – COMMITTEES

Section 1: Committee Chairs

The Ethics Commission may appoint committee chairs to perform specific tasks or functions.

Section 2: Personnel Committee

The Ethics Commission shall establish a personnel committee to review personnel policies, hear formal employee grievances and complaints and perform other personnel-related functions as determined by the Ethics Commission.

Section 3: Education and Public Outreach

The Ethics Commission may establish an education and public outreach committee to assist the Executive Director and the staff in developing policies and programs related to the Ethics Commission's education and public outreach function.

Section 4: Other Ad Hoc Committees

The Chairperson and/or the Ethics Commission may establish other committees to perform certain tasks as deemed necessary.

ARTICLE VII – MEETINGS

Section 1: Agenda

The Executive Director shall establish the agenda for regular and special meetings. Any member of the Ethics Commission may direct the Executive Director to place an item on the agenda for consideration by the Commission. All action items for an Ethics Commission agenda, including requests for opinions and motions regarding complaints, must be received at least three (3) days prior to the meeting to be placed in the agenda, unless otherwise stated in the Ethics Commission's Rules of Procedure.

Section 2: Quorum

At all meetings of the full Commission, the presence of a majority of three (3) members shall constitute a quorum for all purposes. The act of the majority of the members of the Commission shall be the act of the full membership.

Section 3: Attendance by Electronic Means

A member may attend a meeting and vote by electronic means such as speakerphone or videoconference as long as a quorum is physically present at the meeting.

Section 4: Public Input

All interested persons shall be allowed to express their views (oral and/or written) at Ethics Commission meetings regarding any matter on the agenda or within the jurisdiction of the Ethics Commission during the public comments section of the meeting and subject to time limits as set forth in the Ethics Commission's Rules of Procedure and other reasonable restrictions to maintain order and decorum.

Section 5: Meeting Minutes

Minutes shall be taken at every regular and special Commission meeting and shall be approved by a majority vote of the Ethics Commission. All minutes of Ethics Commission meetings shall be public record.

Section 6: Regular Meetings

The Ethics Commission shall schedule regular monthly meetings.

Section 7: Notice of Meetings

Notices of all regular and special Ethics Commission meetings shall be posted on the Miami-Dade County Meeting Calendar. Agendas shall be mailed, faxed, or e-mailed to each Ethics Commissioner at least 24 hours before the meeting. Notice of regular meetings shall be posted at least 72 hours before the meeting. Notice of special meetings shall be posted at least 24 hours before the meeting.

Section 8: Closed Sessions

The Ethics Commission shall hold closed sessions at regular meetings for purposes of confidential discussions related to preliminary investigations, legal sufficiency and probable cause determinations.

ARTICLE VIII – VOTING

Section 1: Voting

Each member present at an Ethics Commission meeting shall vote on all matters put to a vote.

Section 2: Recusal

Any Commissioner may recuse himself or herself, for bias, prejudice or interest, from any matter before the Ethics Commission. If the member recuses him or herself from voting, the member must state the reason for the recusal on the record.

Section 3: Disqualification

A member of the Ethics Commission may, by majority vote of the Ethics Commission, be disqualified from sitting as a member of the Commission when voting on the issuance of an advisory opinion, at the probable cause hearing, during a motion hearing, or at the final hearing for bias, prejudice or interest. Disqualification may be raised by the Respondent, the Advocate, Staff Attorney or any member of the Commission.

Section 4: Voting by Proxy

A member may not vote by proxy.

ARTICLE IX – PARLIMENTARY PROCEDURE

Section 1: Robert's Rules of Order

Except where the Code or other rules provide to the contrary, or in the case of an emergency, meetings shall be governed by Robert's Rules of Order.

ARTICLE X – BY-LAW AMENDMENTS

Section 1: By-Laws

These by-laws shall be reviewed as necessary. They may be amended at any regular meeting of the Ethics Commission by a majority vote of those present, provided such proposed amendments are circulated in writing to all Commissioners at least ten (10) days prior to such meeting and public notice of the meeting is given at least ten (10) days prior thereto.

MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

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MIAMI-DADE COMMISSION ON ETHICS AND PUBLIC TRUST

RULES OF PROCEDURE

SECTION A. GENERAL RULES

1.1 Purpose and Construction of Rules

a) These rules are adopted for the following purposes:

1) To establish and explain the practice and procedures followed by the Commission and its employees in the performance of their duties under the law; and

2) To provide specific guidance necessary to encourage and ensure full compliance with all laws and duties administered and enforced by the Commission.

b) These rules should always be construed in a manner consistent with all applicable constitutional and statutory requirements.

1.2 Authority to Adopt Rules

These rules are adopted under the authority granted by the Commission under Chapter 2, Article LXXVIII of the Code of Miami-Dade County and by any other law administered and enforced by the Ethics Commission that establishes the Commission's authority to adopt rules.

1.3 Jurisdiction

The jurisdiction of the Ethics Commission shall extend to any person required to comply with the Miami-Dade Conflict of Interest and Code of Ethics Ordinance, the Community Councils Conflict of Interest Ordinance, the Ethical Campaign Practices Ordinance, the Citizens' Bill of Rights, municipal ethics ordinances, and any other County or municipal provisions that authorize the Ethics Commission to exercise its jurisdiction. (Art. LXXVIII, Sec. 2-1068, M-D County Code)

1.4 Computation of Time

This section states how to compute a period of time prescribed or allowed by this section, by any order of the Ethics Commission or by any applicable ordinance.

a) The day of the act, event, or default after which the designated period of time begins to run is not included. The last day of the period is included. However, if the last day of the time period would be a Saturday, Sunday, or a legal holiday, the period is extended until the next day that is not a Saturday, Sunday, or legal holiday. A legal holiday, for purposes of this section, is any day other than a Saturday or Sunday that the offices are closed for a holiday.

b) Except where otherwise noted herein, a document may be deemed to be filed or served when it is deposited with the United States Postal Service, properly addressed to the recipient, with all postage prepaid. The date of the postmark on the envelope for the

document is presumed to be the date the document was deposited with the United States Postal Service.

c) A document filed or served by the delivery to the United States Postal Service is presumed to have been filed before 5:00 p.m. on the date indicated by the postmark.

SECTION B. ADVISORY OPINIONS

2.1 Subject of an Advisory Opinion

a) The Commission will issue a written advisory opinion on the following laws to a person qualified to make a request under 2.1 of this section (relating to Persons Eligible to Receive an Advisory Opinion) (Art. LXXVIII, Sec. 2-1072(a-b), M-D County Code):

1) Section 2-11.1 (Conflict of Interest and Code of Ethics Ordinance) of the Code of Miami-Dade County

2) Section 20-45 (Community Councils-Conflict of Interest)

3) Section 2-11.1.1 (Ethical Campaign Practices Ordinance)

4) The Citizens' Bill of Rights

5) Municipal Ethics Ordinances

6) Any other County or municipal provisions that authorize the Ethics Commission to exercise its jurisdiction.

b) The Commission may also opine on whether particular conduct may result in a breach of the public trust and/or an appearance of impropriety.

c) The Commission will not issue an advisory opinion that concerns the subject matter of pending litigation known to the Commission.

2.2 Persons Eligible to Receive An Advisory Opinion

A person who is subject to any of the provisions listed in 2.1(a) of this section may request an opinion regarding the interpretation or application of any of the provisions under the Commission's jurisdiction to himself or herself.

2.3 Request for an Advisory Opinion

a) A request for an advisory opinion shall describe an actual and specific factual situation regarding the requestor's prospective conduct. The request must provide sufficient detail to permit the Commission to provide a response to the request.

b) A request for an advisory opinion shall be in writing. A written request may be mailed, hand-delivered, emailed, or faxed to the Commission at the Commission office.

c) A request may be made by any person regarding the applicability or interpretation of a particular provision as it applies to his/her prospective conduct. (Art. LXXVII, Sec. 2-1074, (y), Miami-Dade County Code)

2.4 Review and Processing of Advisory Opinions

a) Upon receipt of a request for an advisory opinion, the Executive Director will determine whether the request concerns a matter under the Commission's jurisdiction and is made by a person eligible to receive an advisory opinion.

b) If there is sufficient precedent on which to base an opinion, the Ethics Commission staff will assign an INQ number and issue the informal opinion without bringing the matter before the Ethics Commission.

c) If the Executive Director determines that there is insufficient precedent or that the request is of great public importance, an RQO number will be assigned and staff will draft a recommended opinion to present to the Ethics Commission for ratification.

2.5 Time Period

RQO requests shall be considered at the next scheduled Ethics Commission meeting if possible. Items not heard at that meeting will be considered on the next meeting agenda. Summaries of all INQs given by Ethics Commission staff shall be presented at the Ethics Commission's regular meetings.

2.6 Publication of Advisory Opinions

Each advisory opinion issued by the Commission shall be numbered, dated and published on the Ethics Commission's website. (Art. LXXVIII, Sec. 2-1074(y), M-D County Code)

2.7 Legal Effect

An advisory opinion, until amended or revoked, shall be binding on the conduct of the requester unless material facts were omitted or misstated in the request. (Art. LXXVIII, Sec. 2-1074(y), M-D County Code)

2.8 Disqualification of Commissioners

a) Commission members shall be disqualified from voting on an RQO for bias, prejudice, or interest. Disqualification may be raised by the Requester, Staff Attorney or by any Commission member.

b) Unless good cause is shown, all motions for disqualification shall be filed with the Commission at least five (5) days prior to the hearing at which the Commissioner is expected to participate. The motion shall be accompanied by an affidavit stating the particular grounds.

c) Unless denied as untimely, the motion shall be ruled on by the Commissioner whose disqualification is sought; the ruling shall be based on the legal sufficiency of the motion and

affidavit. If the motion and affidavit are found legally sufficient, the member shall disqualify himself or herself.

d) Any Commissioner may recuse himself or herself, where to the Commissioner's own knowledge any of the grounds stated in section (a) above exist. The failure of a Commissioner to recuse himself or herself shall not be assignable as error or subject to review.

2.9 Ex-Parte Communications

a) A Commissioner shall not initiate any *ex parte* communication[1] relative to the merits of a pending RQO, nor consider any *ex parte* communication by

1) A public employee or official engaged in the matter;

2) The Requester or any person who directly or indirectly would have a substantial interest in the proposed action of the Commission or his or her counsel; or

(This subsection shall not apply to advisory Commission staff and shall not prohibit Commissioners who are contacted by any of the above persons from referring them to Commission staff.)

b) A Commissioner who receives such *ex parte* communication shall place on the record of the matter all written communications received, all written responses to such communications and a memorandum stating the substance of all oral communications received and oral responses made, and shall also advise all parties that such matters have been placed on the record. Any party, including the Advocate, desiring to rebut the *ex parte* communication shall be allowed to do so, if a request for the opportunity for rebuttal is made within ten (10) days after notice of the communication.

SECTION C. COMPLAINTS - GENERAL RULES

3.1 Scope of Section

This section applies to sworn Complaint proceedings before the Commission. This section is intended to more clearly define the procedure required by the ordinance and shall be construed to ensure the fair and expeditious determination of a sworn Complaint.

3.2 Subject Matter of a Sworn Complaint

a) The Ethics Commission may only consider Complaints concerning the following:

1) Section 2-11.1 (The Conflict of Interest and Code of Ethics Ordinance) of the Code of Miami-Dade County

[1] An *ex parte* communication is defined as a private communication regarding a disputed matter without the party(ies) being present.

2) Section 20-45 (Community Councils-Conflict of Interest)

3) Section 2-11.1.1 (Ethical Campaign Practices Ordinance)

4) Part 1(A), Constitutional Amendment and Charter (The Citizens' Bill of Rights)

5) Municipal Ethics Ordinances

6) Any other County or municipal provisions that authorize the Ethics Commission to exercise its jurisdiction.

b) The Commission will not consider a Complaint regarding

1) An allegation involving a matter outside of the jurisdiction of the Ethics Commission;

2) An allegation based on facts that occurred more than three (3) years before the date the sworn Complaint is filed. (Art. LXXVIII, Sec. 2-1074(x), M-D County Code)

c) Where the allegations of the Complaint are the subject of a personnel proceeding or where the complainant is required to exhaust his or her administrative remedies prior to filing a Complaint, the statute of limitation is tolled until the termination of said personnel proceeding or the exhaustion of administrative remedies..

d) When a municipal Code of Ethics ordinance, Conflict of Interest ordinance, or Lobbyist Registration and Reporting Ordinance provides for a municipal administrative remedy, a Complainant may be required to exhaust his or her municipal administrative remedies prior to filing a written Complaint with the Ethics Commission. (Art. LXXVIII, Sec. 2-1074(v), M-D County Code)

e) Where an employee of Miami-Dade County or a municipality within Miami-Dade County is alleged to have violated a provision within the jurisdiction of the Ethics Commission that is based upon the same set of facts that are subject to an ongoing disciplinary action initiated by Miami-Dade County or a municipality, the Ethics Commission shall stay consideration of a Complaint until the conclusion of the personnel proceeding. (Art. LXXVIII, Sec. 2-1074(w), M-D County Code)

3.3 Confidentiality

a) Except as otherwise provided in these rules, the Complaint itself and all staff and Commission activities, proceedings and documents related to the Complaint shall be confidential until either:

1) Confidentiality is waived in writing by the Respondent;

2) A determination of probable cause is made;

3) The Commission orders the Complaint dismissed; or

4) The Commission issues a public report or orders a public hearing.

When confidentiality is waived, the Commission orders the Complaint dismissed, probable cause is found, or the Commission orders a public report or public hearing, all materials related to the Complaint shall become public records available to the public as provided in Chapter 119, Florida Statutes except to the extent the materials are otherwise exempted from disclosure under the public records law.

b) For purposes of this rule, the Commission shall be deemed to have ordered a dismissal of the Complaint, found probable cause, issued a public report, or ordered a public hearing at the time the action is taken at a public meeting of the Ethics Commission.

c) The confidentiality provided by this rule shall not prohibit the Commission or its staff from advising the Respondent or the Complainant about the status of the Complaint proceeding.

3.4 Press Inquiries

All press inquiries regarding a pending Complaint should be referred to the Executive Director. Prior to a finding of probable cause, no probable cause, or a dismissal of the Complaint, the Ethics Commission staff is prohibited from confirming or denying the existence of any Complaint regarding any person or department.

3.5 Filing Fees

The Ethics Commission may impose a filing fee on each Complaint with the discretion to waive it upon a finding of indigency based on an affidavit filed by the Complainant. (Art. LXXVIII, Sec. 1-1072(e), M-D County Code)

3.6 Frivolous or Groundless Complaints

In any case where the Ethics Commission determines that the complaining party filed a frivolous or groundless Complaint, the Ethics Commission shall order the complaining party to pay any costs and attorney's fees incurred by the Ethics Commission and/or the alleged violator. A Complaint may be deemed frivolous or groundless when there is a complete absence of any justiciable issue of either law or fact raised by the Complainant. (Art. LXXVIII, Sec. 2-1074(t), M-D County Code)

3.7 Intentional or Unintentional Violation

The Ethics Commission shall make a determination of an intentional or unintentional violation in every case where the Respondent is found to have committed a violation of an ordinance under the Ethics Commission's jurisdiction. In cases where the Respondent is found to have committed an intentional violation, the Respondent may be assessed actual costs, in an amount not to exceed five hundred dollars ($500.00) per violation and enhanced fines as prescribed by Sec. 2-11.1(cc)(1).

3.8 Good Cause Extensions

The time period for determination of legal sufficiency and probable cause in Complaint proceedings may be extended for good cause. "Good Cause" shall include, but not be limited to, failure of the Ethics Commission to hold a regular meeting within the time frame required for a legal sufficiency or probable cause determination; a lack of quorum to make a determination; and a timely filed motion for continuance or request for extension of time filed by the Advocate or the Respondent.

Commission on Ethics & Public Trust
Formal Complaint Process
Complaint is not legally sufficient
Complaint dismissed
Complaint is legally sufficient
Commission finds NO probable cause
Complaint dismissed
Commission finds probable cause
Public hearing scheduled before Ethics Commission
Ethics Commission finds NO violation
Complaint dismissed
Ethics Commission finds that a violation has been committed
Penalties imposed against the violator
All final orders are subject to appeal in accordance with the Florida Rules of Appellate Procedure

SECTION D. PRELIMINARY INVESTIGATIONS

4.1 Staff Procedures Upon Receipt of a Complaint

a) Upon receipt of a sworn Complaint, staff shall stamp on the face thereof the date on which the Complaint was received in the Commission office. Each Complaint received shall be assigned a Complaint number which shall be entered on the Complaint itself. Any document related to the Complaint shall be entered into the Complaint file. Within five (5) business days of receipt of the Complaint, staff shall send to the Complainant, by email, regular US mail or both, written confirmation of the receipt of the Complaint, the number assigned to the Complaint, and a form explaining Commission procedures regarding legal sufficiency and probable cause determinations, investigation, and notice of hearing and final disposition of the Complaint.

b) Upon a written Complaint (except for a Complaint filed by the Inspector General, the Advocate or the State Attorney) which alleges the elements of a violation within the Ethics Commission's jurisdiction and is executed on the proper Complaint form and based substantially upon the personal knowledge of the Complainant and signed under oath or affirmation by the complaining person, the Ethics Commission shall forward a copy of the Complaint to the Respondent within thirty days (30) of receipt of the Complaint. Any amendments or additional material provided by the Complainant shall also be transmitted to the Respondent. (Art. LXXVIII, Sec. 2-1074(a)(2), M-D County Code)

c) Upon a written Complaint filed by the Inspector General, the Advocate or the State Attorney which alleges a violation within the jurisdiction of the Ethics Commission, the Ethics Commission shall forward a copy of the Complaint to the Respondent within five (5) days after receipt of the Complaint. Any amendments or additional material provided by the Complainant shall also be transmitted to the Respondent. (Art. LXVIII, Sec. 2-1074(a)(1), M-D County Code)

4.2 Determination of Legal Sufficiency and Order of Preliminary Investigation

a) After the Complaint has been reviewed and found to be in the proper form, the Complaint shall be reviewed by the General Counsel (or his/her designee) in order to determine whether the Commission has jurisdiction over the matter. Complaints need not be as precise as would be required by the rules of civil procedure and shall be deemed sufficient if the Complainant under oath upon knowledge or belief alleges matters, which, if true, would constitute a violation of a provision under the Ethics Commission's jurisdiction.

b) General Counsel shall prepare a memorandum regarding the legal sufficiency of all Complaints within sixty (60) days of the filing of the Complaint. If General Counsel finds the Complaint to be legally sufficient, it will be investigated and reviewed by the Advocate for probable cause. If General Counsel finds the Complaint to be legally insufficient, the recommendation to dismiss the Complaint must be presented to the Commission. The Commission shall meet in executive session and may find the Complaint to be legally

insufficient, dismiss it and notify the Complainant and Respondent, in the manner provided in Section 4.12(h)(2), that no investigation will be made, or may take such other action as may be appropriate. In any case where a Complaint is found legally insufficient and dismissed, the public report and order dismissing the Complaint together with the Complaint itself and all documents related thereto shall become a public record. (Art. LXXVIII, Sec. 2-1074(b), M-D County Code)

4.3 Withdrawal of Complaints

After a Complaint has been filed with the Commission, the Commission may permit the Complainant to withdraw the Complaint only for good cause shown. Withdrawal shall be requested in writing and signed by the Complainant(s). "Good Cause" shall be determined based upon the legal sufficiency or insufficiency of the Complaint to allege a violation of an ordinance under the Commission's jurisdiction, the stage of the disposition of the Complaint arrived at before the request was received, and the reasons given by the Complainant for wishing to withdraw the Complaint. If withdrawal is permitted, the Commission shall order the Complaint dismissed.

4.4 Stay of Proceedings

The Respondent, the Advocate, the State Attorney's Office, or the United States Attorney's Office may move for a stay of the proceedings at any time prior to the commencement of a public hearing regarding a matter before the Ethics Commission, if the Respondent is the subject of an active criminal investigation or has been charged by information or indictment with charges arising out of the same factual allegations contained in the Complaint.

4.5 Delegation of Authority

The Commission hereby delegates to its investigators the authority to administer oaths and affirmations, and authorizes these employees to serve any subpoena issued under the Commission's authority. (Art. LXXVIII, Sec. 2-1074(g), M-D County Code)

4.6 Subpoenas During Preliminary Investigation

Upon recommendation of the Executive Director, General Counsel, or the Advocate, the Ethics Commission may, by 2/3rds vote, authorize the issuance of subpoenas or subpoenas *duces tecum*. (Art. LXXVIII, Sec. 2-1074(g), M-D Code) Each subpoena shall be signed by the General Counsel or other member authorized by the Commission and shall state the person, documents, or other things to be subpoenaed. Each subpoena shall name the person before whom the witness is to give testimony, and shall state in general terms the subject matter of the testimony to be elicited. If documents or other things are to be produced, the subpoena shall describe the same with as much specificity as reasonably practicable. The subpoena shall state clearly on its face that it is issued by the Commission on Ethics and Public Trust in accordance with its authority to investigate violations within its jurisdiction. Such subpoenas shall be issued for investigative purposes only, and neither the Complainant, the Respondent, nor their counsel shall be entitled to attend the investigative proceeding at which the witness is to give a sworn statement unless the Complainant or the

Respondent is the person subpoenaed. An emergency subpoena may be issued by the Chair who shall notify the Ethics Commission at the next scheduled meeting.

4.7 Commencement of Investigations

a) A preliminary investigation shall be undertaken of every legally sufficient Complaint over which the Ethics Commission has jurisdiction to determine whether there is probable cause to believe that a violation has occurred.

b) Investigations shall be conducted by Ethics Commission staff under the direction of the Advocate and/or Executive Director. (Art. LXXVIII, Sec. 2-1074(c), M-D County Code)

c) Investigations shall be limited to the allegations in the Complaint, but shall include an investigation of all facts and persons materially related to the Complaint at issue. (Art. LXXVIII, Sec. 2-1074(c), M-D County Code)

4.8 Wrongful Acts Unrelated to the Complaint

If during the course of an investigation, evidence of a wrongful act not materially related to the Complaint at issue is discovered by an investigator, such evidence shall be reported to the Executive Director and–Advocate. Upon receipt of the report containing evidence of a wrongful act not materially related to the Complaint at issue, the Advocate and/or Executive Director shall either initiate further investigation, file an Ethics Complaint, or forward evidence of any other wrongful act to the appropriate disciplinary or law enforcement official as soon as practicable following the conclusion of the preliminary investigation.

4.9 Conduct of Investigators during Preliminary Investigation

a) Investigator Contact with Potential Witnesses and Respondent. The investigator shall inform the person being interviewed of the confidential nature of the investigation and of the Complaint, unless the Respondent has waived confidentiality.

b) Investigator to be Impartial. An investigator shall be impartial and unbiased in the conduct of the preliminary investigation. An investigator shall collect all evidence materially related to the allegations of the Complaint, whether such evidence tends to prove or disprove the allegations. If an investigator feels that for any reason, he or she cannot be impartial or unbiased during the preliminary investigation, then such investigator shall so notify the Advocate and/or Executive Director and shall immediately discontinue working the investigation.

c) Investigator's Report. Upon completion of the preliminary investigation, the investigator shall prepare a report for presentation to the Advocate and/or Executive Director. The report shall contain a synopsis of all pertinent information obtained through interview of witnesses, documentary evidence, or other sources that support the investigator's findings and recommendations.

4.10 Investigation of Facts and Parties Materially Related to Complaint

The Ethics Commission has the duty to investigate all facts and parties materially related to the Complaint at issue.

a) Facts materially related to the Complaint include facts which tend to show

1) A separate violation of a provision under the Ethics Commission's jurisdiction by a Respondent other than as alleged in the Complaint and consisting of separate instances of the same or similar conduct by Respondent as alleged in the Complaint; or

2) A separate violation of a provision under the Ethics Commission's jurisdiction by the Respondent from that alleged in the Complaint which arises out of or in connection with the allegations in the Complaint.

Where facts materially related to the Complaint are discovered by the investigator during the course of the investigation, the Advocate and/or Executive Director shall order an investigation of them and the investigator shall include them in the investigative report. The Advocate and/or the Executive Director may recommend and the Ethics Commission may order a public hearing as to those violations of an ordinance under its jurisdiction. From that point in the proceedings until final disposition of the Complaint, such facts shall be treated as if they were initially alleged in the Complaint at issue.

b) A party materially related to the Complaint means

1) Any other person within the same agency as the Respondent who has engaged in the same conduct as that alleged against the Respondent in the Complaint at issue; or

2) Any other person who has participated with the Respondent in the alleged violations as a coconspirator or an aider and abettor.

4.11 Counsel

a) Respondent. Respondent may appear on his own behalf or may be represented by a lawyer. All notices and communications shall be sent to Respondent directly unless Respondent is represented by a lawyer in which case, all notices and communications shall be made through the Respondent's lawyer. (Art. LXXVIII, Sec. 2-1074(d)(3), M-D County Code)

b) Advocate. The Advocate presenting the matter before the Commission shall be the legal counsel retained by the Ethics Commission to serve as Advocate. (Art. LXXVIII, Sec. 2-1074 (d)(2), M-D County Code) Should the staff Advocate have a conflict of interest, the Ethics Commission may retain special counsel to serve as the Advocate in any matter.

c) Complainant. To the limited extent the Complainant is entitled to participate in or observe Ethics Commission proceedings, the Complainant may be represented by legal

counsel. All notices and communications to a Complainant represented by counsel shall be made through Complainant's lawyer. (Art. LXXVIII, Sec. 2-1074(d)(4), M-D County Code)

d) Appearances. Counsel must file a notice of appearance with the Commission.

4.12 Probable Cause Determination

a) Advocate's recommendation. The Advocate shall review the investigator's report and shall make a written recommendation to the Commission regarding probable cause within sixty (60) days of the filing of the Complaint. (Art. LXXVIII, Sec. 2-1074(b), M-D County Code)

b) Probable Cause exists where there are reasonably trustworthy facts and circumstances for the Commission to believe that a violation of any County or municipal law or provision over which the Commission has jurisdiction, has occurred.

c) The Respondent shall be given not less than ten (10) days from the date of mailing of the Advocate's recommendation to file with the Commission a written response to the recommendation. The Respondent may also file a motion in opposition to the proceeding (including motions to dismiss, to strike, and for a more definite statement) upon receipt of the Advocate's probable cause recommendation. Respondent's motions must be received by the Advocate no later than 72 hours prior to the scheduled hearing, excluding weekends and holidays.

d) Notice of Hearing and Right to Attend - Respondent. The Respondent and his/her counsel shall be permitted to attend the hearing at which the probable cause determination is made. Notice of the hearing shall be sent to the Respondent at least ten (10) days before the hearing. This time period may be shortened with the consent of the Respondent, or without the consent of the Respondent when the passage of time could reasonably be expected to render moot the ultimate disposition of the matter by the Commission so long as reasonable notice under the circumstances is given.

e) Notice of Hearing and Right to Attend – Complainant. A Complainant, who is personally aggrieved by the alleged violation, shall be permitted to attend the hearing at which the probable cause determination is made. Complainant will not have the right to speak during the hearing. A "personally aggrieved complainant" is one who has personally suffered loss or detriment, directly or indirectly, as a result of Respondent's alleged violation.

Examples of Complainants who may be considered personally aggrieved include the following:

- An employee who files a complaint alleging whistle-blower retaliation.
- A candidate who files a complaint alleging a violation of the campaign practices ordinances affecting his/her own campaign.
- A bidder who files a complaint alleging a Cone of Silence violation involving the contract or proposal sought by the bidder.

Examples of Complainants who may not be considered personally aggrieved include the following:

- A supervisor who files a complaint against a subordinate.
- A citizen activist who files a complaint against an employee/elected official for an alleged violation that does not affect the citizen activist in a way distinct from the general public.
- A political action committee that files a complaint against an elected official that does not affect the committee in a way distinct from the general public.

Notice of the hearing shall be sent to the personally aggrieved complainant at the same time as notice is sent to the Respondent under subsection (d). At the time the legal sufficiency determination is made by COE staff, a determination of whether the Complainant is personally aggrieved will be made.

f) Scope of Probable Cause Determination. The Respondent and the Advocate shall be permitted to make brief oral statements in the nature of oral argument to the Commission, based upon the investigator's report, before the probable cause determination. The Chair of the Commission may impose reasonable time limits on presentations made by the Respondent and Advocate.

g) Probable Cause Determination. At the meeting to determine probable cause, the Commission may continue its determination to allow further investigation; may order the issuance of a public report of its investigation if it finds no probable cause to believe that a violation of the Conflict of Interest and Code of Ethics ordinance or any other provisions under its jurisdiction has occurred; or may take such other action as it deems necessary to resolve the Complaint consistent with due process of law. In making its determination, the Commission may consider

1) the sufficiency of the evidence against the Respondent as contained in the Complaint and the Advocate's probable cause determination;

2) the admissions and other stipulations of the Respondent, if any;

3) the nature and circumstances of the Respondent's actions;

4) the expense of further proceedings; and

5) such other factors as it deems material to its decision.

If the Commission orders a public hearing of the Complaint, the Commission shall determine what charges shall be at issue for the hearing.

h) Notice of Final Decision to Complainant and Respondent.

1) Upon a finding of Probable Cause by the Ethics Commission, Complainant and Respondent shall be notified of such finding in writing within (5) business days. No

written notice need be sent to a Complainant or Respondent present at the meeting when the finding of Probable Cause was made.

2) Upon a finding of No Probable Cause or No Legal Sufficiency, Commission staff shall draft a Final Order pertaining to that complaint. The Final Order shall be signed by the Chairperson of the Ethics Commission (or his/her designee) no later than the next scheduled meeting of the Ethics Commission. Within ten (10) business days of the Final Order being signed by the Chairperson (or his/her designee) a copy shall be filed with the Clerk of the Board, and a copy shall be sent to the Complainant and the Respondent by U.S. Mail and/or e-mail.

4.13 Notification of Public Hearing

Upon the Commission's ordering a public hearing of a Complaint, the Ethics Commission Staff shall so notify the Complainant and the Respondent in writing within (5) business days. The Complainant and the Respondent shall also be provided with a copy of the report and the Advocate's probable cause memorandum no less than (10) business days prior to the hearing..

4.14 Disposition of Matter

Notwithstanding any other provision herein, the Ethics Commission may at its discretion (i) dismiss any Complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, or (ii) dismiss any Complaint at any stage of disposition and issue a letter of instruction to the Respondent or any other appropriate person where it appears that the violation was inadvertent, unintentional or insubstantial. (Art. LXXVIII, Sec. 2-1074(s), M-D County Code)

4.15 Request for Public Hearing

Upon request submitted to the Ethics Commission in writing, any person whom the Ethics Commission has found probable cause to believe has committed a violation of a provision within its jurisdiction, shall be entitled to a public hearing. Such person shall be deemed to have waived the right if a request is not received within twenty-one (21) days following the mailing of the probable cause notification. The Ethics Commission may on its own motion require a public hearing. (Art. LXXVIII, Sec. 2-1074(b), M-D County Code)

4.16 Default

If a Respondent fails to appear at the public hearing, the Ethics Commission may find the Respondent in default and issue an appropriate final order.

SECTION E. PUBLIC HEARINGS

5.1 Public Hearings

a) Public Hearings may be conducted by the full Commission, a (3) member panel of the Ethics Commission, or a single member designated by vote of the Commission. Proceedings before the

Commission shall be governed by all applicable provisions of the Florida Rules of Civil Procedure except where otherwise designated herein. If the hearing is conducted by a single member, he/she shall prepare a report and submit it to the Ethics Commission for ratification.

b) The Public Hearing shall be held within sixty (60) days of the probable cause determination unless extended by the Ethics Commission for good cause. (Art. LXXVIII, Sec. 2-1074(b), M-D Code)

5.2 Parties to Public Hearing

The person accused of a violation of an ordinance under the Commission's jurisdiction shall be the only party unless consolidation is granted. The Advocate shall be a full participant in the proceedings and shall present all the evidence relevant to the issue that was discovered during the preliminary investigation and such additional evidence as may be obtained through discovery or further investigation.

5.3 Standard of Proof

The standard of proof is clear and convincing evidence – proof which requires more than an preponderance of the evidence but less than proof beyond a reasonable doubt.

5.4 Consolidation of Cases

The Ethics Commission may consolidate cases if there are matters which involve identical parties or arise out of related issues of law and fact and if it appears that consolidation would promote the expeditious resolution of the matters and would not unduly prejudice the rights of a party.

5.5 Disqualification of Commissioners

Refer to Subsection 2.8 above under Section B, "Advisory Opinions."

5.6 Ex-Parte Communications

Refer to Subsection 2.9 above under Section B, "Advisory Opinions."

5.7 Subpoenas for Discovery

At any time after the Ethics Commission orders a public hearing of the matter, the Ethics Commission may issue subpoenas to effect discovery upon the written request of Respondent or Advocate. The requesting party shall give the name and address of each witness he or she wishes to have deposed and shall describe with particularity those documents or other items that the person wishes to have the witness produce, bring or deliver pursuant to a subpoena *duces tecum*. Parties may also obtain discovery through the means and in the manner provided in Rules 1.280 through 1.390, Florida Rules of Civil Procedure. The Chairperson or a member of the Ethics Commission may issue appropriate orders to effectuate the purposes of discovery and to prevent delay. (Art. LXXVIII, Sec. 2-1074(h), M-D County Code)

5.8 Subpoenas for Public Hearing

The Respondent and the Advocate shall submit to the Executive Director a list of all witnesses he or she wishes to have subpoenaed to attend the hearing and he/she will, in turn, give it to the Ethics Commission. The lists shall include the correct names and addresses of the witnesses and shall describe with particularity those documents or other items that he or she wishes to have the witness bring to the hearing pursuant to subpoena *duces tecum*. Subpoenas shall be issued as provided herein. (Art. LXXVIII, Sec. 2-1074(i), M-D Code)

5.9 Motions

a) All motions shall be in writing unless made on the record during a hearing, and shall fully state the actions requested and the grounds relied upon. The motion shall include a statement that the movant has conferred with the Advocate and all other parties of record and shall state whether there is any objection to the motion. (Art. LXXVIII, Sec. 2-1074(j)(1), M-D County Code)

b) The original written motion shall be filed with the Ethics Commission and a copy served on all parties or their attorneys. The Ethics Commission staff shall send a copy of the motion to the Chairperson. (Art. LXXVIII, Sec. 2-1074(j)(2), M-D County Code)

c) Unless the motion is in opposition to the proceeding, the Chairperson, or a member of the Ethics Commission designated by the Chairperson, shall conduct such proceedings and make such orders as are deemed necessary to dispose of issues raised by motions, but it is not required to hold a hearing on a motion in order to rule upon it. (Art. LXXVIII, Sec. 2-1074(j)(3), M-D County Code)

d) Every written motion may be accompanied by, or included in, a written memorandum stating the grounds upon which the motion is based. Other parties to a proceeding may, within seven (7) days of service of a written motion, file written memoranda in opposition. (Art. LXXVIII, Sec. 2-1074(j)(4), M-D County Code)

5.10 Motions in Opposition to a Proceeding

Motions in opposition to a proceeding, including motions to dismiss, to strike, and for a more definite statement, may be filed at any time after the Advocate submits his or her probable cause memorandum and must be filed no later than twenty days (20) after service of the notice of public hearing. Unless waived by the parties, the Ethics Commission shall hold a hearing and rule on the motion. (Art. LXXVIII, Sec. 2-1074(k), M-D County Code)

5.11 Motions to Dismiss Filed by Advocate

After probable cause is found and a public hearing is ordered by the Ethics Commission and after further investigation or discovery is made by the Advocate, the Advocate may move to dismiss the proceeding if the Advocate concludes that there is insufficient evidence to proceed to public hearing in good faith. Such a motion shall specifically state the grounds upon which it is made. (Art. LXXVIII, Sec. 2-1074(o), M-D County Code)

5.12 Prehearing Conferences

The Chairperson, or a member of the Ethics Commission designated by the Chairperson, may conduct one or more prehearing conferences for the purpose of hearing arguments on pending motions, clarifying and simplifying issues, discussing the possibilities of settlement of the issues, examining exhibits and documents, exchanging names and addresses of witnesses, and resolving other procedural issues. (Art. LXXVIII, Sec. 2-1074(l), M-D County Code)

5.13 Exchange of Witness Lists

Unless otherwise ordered by the Chairperson or a member of the Ethics Commission designated by the Chairperson as a result of a prehearing conference, the Advocate and the Respondent(s) or counsel for Respondent(s) shall exchange the names and addresses of witnesses at least ten (10) days prior to the public hearing with a copy being provided to the Chairperson. Names and addresses of witnesses discovered subsequently shall be disclosed to the other party or parties and to the Chairperson as soon as possible. Failure to disclose the name and address of a witness may result in the exclusion of the witness's testimony, according to the rule applied in civil judicial proceedings. (Art. LXXVIII, Sec. 2-1074(m), M-D County Code)

5.14 Settlement

a) The Ethics Commission may enter into a settlement agreement at any stage of the proceedings if it finds it to be just and in the best interest of the citizens of Miami-Dade County.

b) The Advocate may enter into settlement negotiations but must present all settlement proposals to the Ethics Commission for consideration and approval.

SECTION F. ORDER OF PUBLIC HEARING

6.1 Presentation of the Case

The Advocate shall present his or her case first. The Respondent may then present his or her case. Rebuttal evidence may be permitted at the discretion of the Ethics Commission. (Art. LXXVIII, Sec. 2-1074(n)(1), M-D County Code)

6.2 Opening and Closing Statements

Opening and Closing Statements may be presented by the Advocate and the Respondent. The Advocate may make the first statement and the Respondent may follow. Rebuttal by the Advocate may be permitted or may be denied. The Chair of the Commission may impose reasonable time limits on the opening and closing statements made by each party. (Art. LXXVIII, Sec. 2-1074(n)(2), M-D County Code)

6.3 Evidence (Art. LXXVIII, Sec. 2-1074(n)(3), M-D County Code)

a) Stipulations may be received and are encouraged as to uncontested matters.

b) Oral evidence shall be taken only on oath or affirmation.

c) The Respondent and the Advocate shall have the right to present evidence relevant to the issue; to cross-examine opposing witnesses on any matter relevant to the issue; and to impeach any witness regardless of who first called him or her to testify.

d) The hearing shall not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted. Hearsay evidence may be used to supplement or explain other evidence, but shall not be sufficient in and of itself to support a finding. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded. The Ethics Commission shall not allow the introduction into evidence of an affidavit of a person when that person can be called to testify; this shall not preclude the admission of a deposition of such person, however, for any reason permissible in a court of law under the Florida Rules of Civil Procedure.

6.4 Transcript of proceedings

The proceedings shall be recorded by recording instruments or by a court reporter. The recording of the proceeding is public record and is available to the Respondent upon request. Respondent may at his or her own expense provide a court reporter or recording instruments. The Ethics Commission may provide a court reporter. No transcript of the proceedings shall be prepared unless requested by the Ethics Commission or the Respondent. If the Respondent requests that a transcript be prepared by a court reporter, the Respondent shall pay the expense of transcription. If the Respondent requests that the Ethics Commission prepare a transcript from recording instruments and the Ethics Commission grants such request, the Respondent shall pay the Ethics Commission the actual cost of transcription. If a court reporter records the proceedings, the court reporter's transcript shall be the official transcript. (Art. LXXVIII, Sec. 2-1074(n)(4), M-D County Code)

6.5 Proposed Public Report

After the conclusion of the hearing, the Respondent and the Advocate may present written proposed public reports, within a time designated by the Chairperson or a member of the Ethics Commission designated by the Chairperson. If a proposed public report is filed by the Respondent or the Advocate, each proposed finding in the proposal that is rejected shall be accompanied by a statement summarizing the reasons for rejection. (Art. LXXVIII, Sec. 2-1074(n)(5), M-D County Code)

SECTION G. APPEALS

7.1 Appeal of Final Order or Advisory Opinion

Any final order where the Ethics Commission finds that a violation has been committed or any advisory opinion issued by the Ethics Commission shall be subject to review in accordance with the Florida Rules of Appellate Procedure. The Ethics Commission shall provide the index and record on appeal when required by and in accordance with the Florida Rules of Appellate Procedure. (Art. LXXVIII, Sec. 2-1075(a), M-D County Code)

7.2 Fees

a) A fee may be charged by the Ethics Commission for the preparation and transmission of the record on appeal to the court of appropriate jurisdiction. Such fee may be waived by the Ethics Commission if the party requesting the record is indigent. (Art. LXXVIII, Sec. 2-1075(a), M-D County Code)

b) Costs or fees may not be assessed against the Ethics Commission in any appeal from a final order or advisory opinion issued by the Ethics Commission. (Art. LXXVIII, Sec. 2-1075(b), M-D County Code)

7.3 Stay

Unless specifically ordered by the Ethics Commission or by a court of competent jurisdiction, the commencement of an appeal does not suspend or stay a final order or an advisory opinion of the Ethics Commission. The final order or advisory opinion shall remain in effect during the appeals process. (Art. LXXVIII, Sec. 2-1075(c), M-D County Code)

SECTION H. PENALTIES

8.1 Imposing of Penalties

Penalties may be imposed by the Ethics Commission after a ratified settlement agreement has been entered into between the Commission and the Respondent or after a public hearing.

8.2 Types of Penalties

a) The Ethics Commission may impose the following penalties:

1) Letters of Instruction;

2) Letters of Reprimand;

3) $500 fine for the first count;

4) $1,000 fine for each additional count;

5) $1,000 fine for the first *intentional* violation;

6) $2,000 fine for each subsequent *intentional* violation

7) Investigative costs not to exceed $500 per count;

8) Restitution;

b) In order to impose fines for *intentional* violations, the Ethics Commission must make a finding, after a public hearing, that Respondent acted intentionally in violating a provision under the Ethics Commission's jurisdiction. Alternatively, the Respondent may agree to the imposition of fines for *intentional* violations in a Settlement Agreement.

SECTION I. RESTITUTION AND INVESTIGATIVE COSTS

9.1 Scope of Authority

a) The Ethics Commission may order restitution against any person or entity found in violation of the Miami-Dade Conflict of Interest and Code of Ethics ordinance, the Community Council's Conflict of Interest Ordinance, the Ethical Campaign Practices ordinance, the Citizens' Bill of Rights, municipal ethics ordinances, and any other County or municipal provisions that authorize the Ethics Commission to exercise its jurisdiction.

b) The Ethics Commission may also order the payment of investigative costs not to exceed $500 (five-hundred dollars) per violation.

9.2 Definitions

a) Restitution. Amount that a Respondent is made to repay to a person or entity that corresponds to the amount that Respondent obtained as a result of a violation of an ordinance under the jurisdiction of the Ethics Commission.

b) Investigative Costs. The costs of conducting the investigation determined by the amount of hours spent on doing so, not to exceed $500 (five-hundred dollars) per violation.

c) Covered Person. Any person or entity included in Section 2-11.1(b)(1) through (b)(6)(elected officials, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel and employees) and 2-11.1(w) (immediate family, contractors, vendors and lobbyists) of the Conflict of Interest and Code of Ethics ordinance and any candidate, campaign staff, or third party covered by the Ethical Campaign Practices ordinance and the Election Campaign Financing Trust Fund ordinance.

9.3 Restitution Proceedings

a) The Ethics Commission will conduct separate proceedings, where necessary, to determine the amount of restitution.

b) The Advocate will present evidence regarding the appropriate amount of restitution in a particular case. The amount of restitution cannot exceed the financial gain received by the Respondent or a third party as determined by an audit or an investigation.

c) The Respondent may present evidence regarding the present financial resources of the Respondent, the present and potential future earning ability of the defendant, his or her dependents, and such other factors as it deems appropriate.

d) The Respondent may not present evidence regarding the underlying violation.

9.4 Burden of Proof

a) The Advocate has the burden of demonstrating the amount of financial gain by the Respondent and/or any third party as a result of the Ethics violation.

b) The Respondent has the burden of demonstrating his or her inability to pay restitution in any matter.

9.5 Determination of Restitution and Investigative Costs

a) The Ethics Commission may order restitution for any amount not exceeding the total amount of financial benefit to the Respondent or a third party. The Ethics Commission may not order restitution for prospective financial gain. In making a determination, the Ethics Commission may consider the following factors:

1) the severity of the offense;

2) the amount of loss suffered by the County or any other person or entity as a result of the Respondent's actions;

3) the Respondent's financial circumstances and his or her ability to pay restitution

4) any other factors the Ethics Commission deems appropriate

b) Investigative costs shall be calculated by taking the average hourly salary of an Ethics Commission investigator and multiplying it by the number of hours spent working on that particular investigation/complaint not to exceed $500 (five hundred dollars) per count.

9.6 Enforcement Proceedings

a) The Ethics Commission and the Respondent may enter into a payment plan for the amount contained in the final order.

b) The Ethics Commission may make application to any circuit court which shall have jurisdiction to order the violator to comply with the order. Any violator who fails to obey the order may be punished by the court.

c) If the Respondent is an employee under the Ethics Commission's jurisdiction, the Ethics Commission may order the garnishment of his/her wages in order to pay the amount of restitution or investigative costs owed.

SECTION J. WHISTLEBLOWER RETALIATION COMPLAINTS

10.1 Scope of Jurisdiction

Pursuant to Ordinance 07-63, the Ethics Commission may conduct investigations of whistleblower retaliation Complaints and prepare findings of fact for the County Mayor.

10. 2 Persons Covered (Div. 6, Secs. 2-56.28.12, 13, 16, M-D County Code)

a) Any employee or independent contractor who discloses information in a signed and written Complaint regarding any violation or suspected violation of local, state, or federal law that creates and presents a substantial and specific danger to public health, safety, and welfare or any act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds or neglect of duty.

b) Any employee or independent contractor who is requested to participate in an investigation, hearing, or other inquiry conducted by the County or any state or federal agency with authority to investigate, police, manage, or remedy the situation.

c) Any employee who refuses to participate in any adverse action prohibited under this section.

10.3 Definitions

a) Adverse personnel action. Discharge, suspension, transfer, or demotion of any employee or the withholding of bonuses, reduction in salary, or benefits or any other adverse action. (Div. 6, Sec. 2-56.28.12(4), M-D County Code)

b) Employee. A person who performs services for, and under the control and direction of, the County for wages or other remuneration. (Div. 6, Sec. 2-56.28.12(2), M-D County Code)

c) Independent Contractor. A person, other than a federal, state, or local government entity, engaged in any business who enters into a contract with the County. (Div. 6, Sec. 2-56.28.12(3), M-D County Code)

10.4 Prohibited Retaliation

Miami-Dade County or any agent or employee may not dismiss, discipline, or take any adverse personnel action against any person for disclosing violations of local, state, or federal law that presents a substantial and specific danger to health, safety, or welfare or any act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or neglect of duty. (Div. 6, Sec. 2-56.28.13, M-D County Code)

10.5 Procedures Upon Receipt of Retaliation Complaints

a) Time Frame for Filing Complaints. Any covered person must file a written Complaint with the Ethics Commission within sixty days (60) of the adverse personnel action. (Div. 6, Sec. 2-56.28.17(4)(a), M-D County Code)

b) Notification. The Ethics Commission shall acknowledge receipt of the Complaint within ten (10) days and provide copies to the department or employee accused of retaliation. (Div. 6, Sec. 2-56.28.17(4)(b), M-D County Code)

c) Preliminary Investigation. A preliminary investigation and a fact-finding hearing to determine probable cause regarding a violation of Section 2-56.28.17 must be held within sixty (60) days. (Div. 6, Sec. 2-25.28.17(4)(c)(i), M-D County Code)

d) Final Report. A final fact-finding report regarding a violation of the retaliation section of the whistleblower ordinance must be provided to the accused department or employee within ninety (90) days of receiving the Complaint. The report shall include a recommendation to the County Mayor regarding any appropriate remedial action as provided in the ordinance. (Div. 6, Sec. 2-25.28.17(4)(c)(ii), M-D County Code)

e) Violations of Employee Protection Ordinance. Any County employee found to have retaliated against another employee in violation of the Employee Protection Ordinance shall be charged under Sec. 2-56.28.17(5). The COE may impose penalties as provided in the Conflict of Interest ordinance in addition to any other recommended penalties. (Div. 6, Sec. 2-25.28.17(5), M-D County Code)

10.6 Coordination with Other Administrative Proceedings

a) Hearing Examiner. The Ethics Commission proceedings may be held in lieu of or in addition to the election of review by a hearing examiner. The Ethics Commission fact-finding report shall be admissible in any subsequent or related administrative proceeding.

b) Departmental Review of Personnel Action. The Ethics Commission proceedings may be conducted simultaneously with any departmental review of the adverse personnel action.

c) Internal Investigation of Whistleblower Actions. The Ethics Commission may stay proceedings until the conclusion of any investigation of the underlying whistleblower allegations by the County Mayor, the Office of Inspector General, or any local, state, or federal agency having jurisdiction over the underlying allegations.

10.7 Remedies and Penalties

a) Ethics Commission Penalties. The Ethics Commission may impose any penalties provided in Section 2-11.1 for violation of the Conflict of Interest ordinance. The Ethics Commission may recommend penalties, up to and including dismissal, to the County Mayor for any violation of the whistleblower ordinance.

b) County Mayor:

1) Remedies. The County Mayor may reinstate the employee to his or her former position or an equivalent position or award front pay; reinstate the employee's fringe benefits and seniority or compensate the employee for lost wages, benefits, or other lost remuneration caused by the adverse action. (Div. 6, Sec. 2-56.28.18, M-D County Code)

2) Penalties. The County Mayor may impose discipline, up to and including dismissal, against any person found to have committed retaliation against a person

protected by the whistleblower ordinance. (Div. 6, Sec. 2-56.28.17(5), M-D County Code)

SECTION K. ETHICAL CAMPAIGN PRACTICES – EXPEDITED PROCESS

11. 1 Ethical Campaign Practices Ordinance

The Ethical Campaign Practices Ordinance proscribes candidates and their supporters from certain actions during the campaign. The ordinance contains a mandatory and a voluntary section. The decision to participate in the voluntary section is irrevocable and retroactive from the date of signing to filing to run for a particular office.

11.2 General Procedures

a) Time Frame for Expedited Process. The expedited process governs all Complaints regarding the Ethical Campaign Practices ordinance that are filed within fifty (50) days of a primary, special, or general election. The applicable time frame in each section does not include Saturday, Sunday, or any legal holiday. The time frame is not extended for service by mail. (Sec. 2-11.1.1(E), M-D County Code)

b) Ethics Commission (M-D County I.O. No. 2-8)

1) The Ethics Commission shall receive copies of the Complaint and the Respondent's response prior to the appointment of a hearing examiner.

2) The Ethics Commission may conduct probable cause hearings.

3) The Ethics Commission may intervene, after the appointment of a hearing examiner, to make determinations regarding any motion in the case including, but not limited to, motions to dismiss or motions for extension of time.

c) Hearing Examiner

1) Qualifications. Retired Judges who have served at least ten (10) years on the bench or attorneys who have been members of the Florida Bar for at ten (10) years or more. Preference shall be given to applicants with local government, hearing officer, or hearing examiner experience.

2) Creation of a Hearing Examiner Pool. The Ethics Commission may create a pool of hearing examiners to make probable cause determinations or may use the hearing examiner pool designated by the Clerk of the Board.

d) Form of Complaint

1) Complaint Form. The Ethics Commission may create a specially designed Complaint form for expedited Complaints. The Ethics Commission may collect a filing fee of three hundred and one dollars ($301) or the prevailing fee for filing circuit court Complaints. The Ethics Commission or the hearing examiner may waive filing fees if the Complainant is indigent.

2) The Complaint must include any supporting documentation that should be considered by the hearing examiner or the Ethics Commission regarding the matter including affidavits, pictures and audio or video recordings. Any material that is provided from a website must include information regarding the source of the material including the website address.

e) Complainant Responsibilities

1) The Complainant must provide all required documentation as provided herein with his or her Complaint form.

2) The Complainant may provide oral argument, at the discretion of the hearing examiner or the Ethics Commission, at probable cause hearings for Complaints filed within ten days (10) of the election.

3) The Complainant does not have the right to file exceptions or appeal the probable cause recommendation of the hearing examiner.

f) Advocate Responsibilities

1) The Advocate may conduct a preliminary investigation of any Complaints filed under this section.

2) The Chair of the Ethics Commission may authorize subpoenas for witnesses and documents during the preliminary investigation of an expedited Complaint.

3) The Advocate must provide the hearing examiner with a probable cause memorandum for any Complaint filed within twenty days (20) of the election, unless good cause is shown as to why he is unable to do so.

4) The Advocate may file motions, including motions for extension of time, with the hearing examiner.

5) The Advocate will present the case before the hearing examiner for any Complaint filed more than ten (10) days before the election, unless good cause is shown as to why he is unable to do so.

11.3 Hearing Examiners

a) Selection. The Executive Director shall randomly appoint hearing examiners from the designated pool. The Executive Director may not appoint a hearing examiner who has made

campaign contributions or endorsed any candidate in the race that is the subject of the hearing during the current election cycle.

b) Scope of Authority

1) The hearing examiner shall have the right to hear and rule on any motions including motions to dismiss and motions for extension of time.

2) The hearing examiner shall have the right to require oral argument prior to making a probable cause determination.

3) The hearing examiner may not approve settlement agreements between the Respondent and the Ethics Commission.

c) Probable Cause Determinations

1) The hearing examiner may make his or her probable cause determination based on the Complaint, the Respondent's written response and the probable cause memorandum, if one is filed.

2) In making a probable cause determination, the hearing examiner shall consider the following:

i) the sufficiency of the evidence against the Respondent;

ii) the admissions and other stipulations of the Respondent;

iii) the nature and circumstances of the Respondent's actions;

iv) the expense of further proceedings and the other factors as he or she deems material to their decision.

3) The hearing examiner will hold a probable cause hearing, if requested by the candidate Respondent or the Advocate, within the applicable time frame.

4) The hearing examiner will provide a written probable cause determination for all Complaints filed more than ten (10) days prior to the election.

5) The hearing examiner may make an oral probable cause determination for all Complaints within ten (10) days of the election.

6) The hearing examiner may utilize the assistance of the General Counsel or the staff attorney for staff support.

11. 4 Persons Against Whom a Complaint May be Filed

a) Candidates

1) Candidates and campaign staff for the Mayor and the Board of County Commissioners;

2) Candidates and campaign staff for Miami-Dade County Community Councils;

3) Candidates and campaign staff for any municipal elected office in Miami-Dade County;

4) Candidates and campaign staff for any elective office with a constituency in whole or part in Miami-Dade County who agree to abide by the Mandatory or Voluntary Fair Campaign Practices Ordinance (i.e. judicial or legislative candidates).

b) A person is considered a candidate if they have received campaign contributions or made expenditures in anticipation of running for an elective office; have appointed a campaign treasurer, or filed qualification papers for a particular office.

c) A Complaint may not be filed against a political action committees or advocacy groups for issues on the ballot.

11.5 Complaints Filed 50-20 days of the Election

a) Notification. The Respondent shall receive a copy of the Complaint by mail or personal services within five (5) days of the filing of the Complaint

b) Legal Sufficiency Determination. General Counsel or the staff attorney shall make a legal sufficiency determination within five (5) days of receiving the Complaint. A Complaint that is deemed legally insufficient shall not be scheduled for a probable cause hearing or determination and shall be placed on the next regularly scheduled Ethics Commission agenda.

c) Preliminary Investigation. The Advocate may conduct a preliminary investigation of every legally sufficient Complaint.

d) Appointment of Hearing Examiner. The Executive Director may randomly appoint a hearing examiner to make probable cause determinations of any legally sufficient Complaint.

e) Written Response. The Respondent must file any written response to the allegations in the legally sufficient Complaint within three (3) days of receiving a legally sufficient Complaint. The Respondent may also request a hearing within three (3) days of receiving the Complaint.

f) Probable Cause Hearing. The hearing examiner will conduct a probable cause hearing within three (3) days of receiving the request.

g) Probable Cause Determinations. The Hearing Examiner will make a written probable cause determination within one (1) week of receiving the Respondent's written response or within three (3) days of holding a probable cause hearing.

h) Default. A default determination may not be made against a candidate Respondent. A failure to respond or appear during the applicable time period shall be considered a waiver of the right to the expedited Complaint process.

i) Publication of Decision. The probable cause determination shall be considered final and the Complaint may be made public at the time the Hearing Examiner makes the determination unless it is appealed.

j) Appeals. The Respondent may file an appeal and request a hearing before the Ethics Commission within three (3) days of the written probable cause determination.

11.6 Complaints Filed 20-10 days of the Election

a) Notification. The Respondent shall receive a copy of the Complaint by personal service within two (2) days of the filing of the Complaint.

b) Legal Sufficiency Determination. General Counsel or the staff attorney shall make a legal sufficiency determination within two (2) days of receiving the Complaint. A Complaint that is deemed legally insufficient shall not be scheduled for a probable cause hearing or determination and shall be placed on the next regularly scheduled Ethics Commission agenda.

c) Preliminary Investigation. The Advocate may conduct a preliminary investigation of every legally sufficient Complaint.

d) Appointment of Hearing Examiner. The Executive Director may randomly appoint a hearing examiner to make probable cause determinations of any legally sufficient Complaint.

e) Written Response. The Respondent must file any written response to the allegations in the legally sufficient Complaint within two (2) working days of receiving the Complaint. The Respondent may also request a hearing within two (2) days of receiving the legally sufficient Complaint.

f) Probable Cause Hearing. The hearing examiner will conduct a probable cause hearing within two (2) days of receiving the request.

g) Probable Cause Determinations. The Hearing Examiner will make a written probable cause determination within three (3) working days of receiving the Respondent's written response or within one (1) day of holding a probable cause hearing.

h) Default. A default determination may not be made against a candidate Respondent. A failure to respond or appear during the applicable time period shall be considered a waiver of the right to the expedited Complaint process.

i) Publication of Decision. The probable cause determination shall be considered final and the Complaint may be made public at the time the Hearing Examiner makes the determination unless it is appealed.

j) Appeals. The Respondent may file an appeal and request a hearing before the Ethics Commission within three (3) days of the written probable cause determination.

11.7 Complaints Filed Within 10 days of the Election

a) Notification. The Respondent shall receive a copy of the Complaint by personal service within two (2) days of the filing of the Complaint.

b) Legal Sufficiency Determination. General Counsel or the staff attorney shall make a legal sufficiency determination within two (2) days of receiving the Complaint. A Complaint that is deemed legally insufficient shall not be scheduled for a probable cause hearing or determination and shall be placed on the next regularly scheduled Ethics Commission agenda.

c) Preliminary Investigation. The Advocate may conduct a preliminary investigation of every legally sufficient Complaint.

d) Appointment of Hearing Examiner. The Executive Director may randomly appoint a hearing examiner to make probable cause determinations of any legally sufficient Complaint.

e) Written Response. The Respondent must file any written response to the allegations in the legally sufficient Complaint within twenty four (24) hours of receiving the Complaint. The Respondent may also request a hearing within twenty four (24) hours of receiving the legally sufficient Complaint.

f) Probable Cause Hearing. The hearing examiner will conduct a probable cause hearing within twenty four (24) hours of receiving the request.

g) Probable Cause Determinations. The Hearing Examiner will make a written probable cause determination within one (1) working days of receiving the Respondent's written response or at the conclusion of the probable cause hearing.

h) Default. A default determination may not be made against a candidate Respondent. A failure to respond or appear during the applicable time period shall be considered a waiver of the right to the expedited Complaint process.

i) Publication of Decision. The probable cause determination shall be considered final and the Complaint may be made public at the time the Hearing Examiner makes the determination unless it is appealed.

j) Appeals. The Respondent may file an appeal and request a hearing before the Ethics Commission.

11.8 Appeals

a) The Ethics Commission may schedule a special hearing to hear an appeal of a probable cause determination or hear the appeal at the next regularly scheduled meeting.

b) Neither the Advocate nor the Respondent may present additional evidence or witnesses at the appeal hearing.

c) The Respondent, the Advocate, or the Ethics Commission may file a motion for a public hearing in any case where probable cause is found.

d) The Ethics Commission may consider any proposed settlements between the Respondent and the Advocate at a regularly scheduled meeting or hold a special meeting to consider settlement agreements.

Attachment 1

COMMISSION ON ETHICS & PUBLIC TRUST

ETHICAL CAMPAIGN PRACTICES - EXPEDITED COMPLAINT PROCESS FLOWCHART

Time Line	NOTICE	RESPONSE	PC HEARINGS	DETERMINATION	APPEAL
Complaints received within 60 to 20 days prior to Election date	First 5 days - Mail or Personal Service LS determination Appointment of Hearing Examiner	Next 3 days - Respondent's response Written response OR request hearing before Examiner	PC Hearing will be held within 3 days of receipt of hearing request	PC determination within 3 working days	After PC determination, Respondent has 3 days to request hearing before the Ethics Commission
Complaints received within 20 to 10 days prior to Election date	Within 2 working days, by Personal Service LS determination Appointment of Hearing Examiner	Upon receipt, respondent has 2 working days to reply Written response OR request hearing before Examiner	PC hearing will be held within 2 days of receipt of hearing request	PC determination within 1 working day	After PC determination, Respondent has 3 days to request hearing before full Ethics Commission
Complaints received within 10 days of Election date	Within 2 working days, by Personal Service LS determination Appointment of Hearing Examiner	Upon receipt, respondent has 24 hours to reply Written response OR request hearing before Examiner	PC hearing will be held within 24 hours of receipt of hearing request	PC determination at conclusion of hearing or within 1 working day of receipt of response	After PC determination, Respondent has 2 days to request hearing before full Ethics Commission

FILENAME: Ethical Campaign Practices - Attachment 1 DATE: 4/28/2009

MONROE COUNTY

BOARD OF COUNTY COMMISSIONERS'

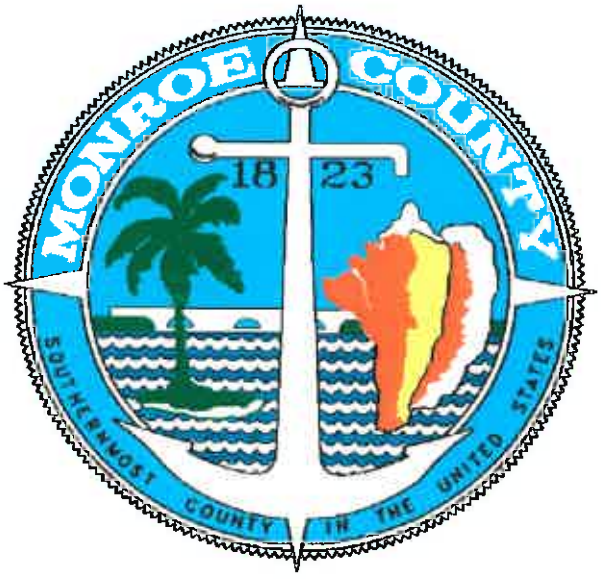
CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

MONROE COUNTY CODE OF ETHICS:

See the enclosed Administration Code of Ethics preamble, dated September 16, 2015, incorporated in their adopted Personnel Policies & Procedures Manual.

Monroe County
Personnel Policies & Procedures Manual



September 16, 2015

PREAMBLE

ADMINISTRATION CODE OF ETHICS

An employee in the public service must always demonstrate the highest standards of personal integrity, truthfulness, honesty and fortitude in all public activities in order to inspire public confidence and trust in public institutions.

Perceptions of others are critical to the reputation of an individual or a public agency. Nothing is more important to public administrators than the public's opinion about their honesty, truthfulness and personal integrity. It overshadows competence as the premier value sought by citizens in their public officials and employees.

Any individual or collective compromise with respect to these character traits can damage the ability of an agency to perform its tasks or accomplish its mission. The reputation of the administrator may be tarnished. Effectiveness may be impaired. A career or careers may be destroyed.

The best insurance against loss of public confidence is adherence to the highest standards of integrity, honesty, truthfulness and fortitude.

Public administrators are obliged to develop civic virtues because of the public responsibilities they have sought and obtained. Respect for the truth, for fairly dealing with others, for sensitivity to rights and responsibilities of citizens and for the public good must be generated and carefully nurtured and matured.

If one is responsible for the performance of others, the reasons for the importance of integrity must be shared with them. They must be held to high ethical standards and taught the moral as well as the financial responsibility for the public funds under their care.

If one is responsible only for his or her performance, then he or she must not compromise honesty and integrity for advancement, honors, or personal gain.

We must strive to be discreet, respectful of proper authority and our appointed or elected superiors, and sensitive to the expectations and the values of the public we serve. We must practice the Golden Rule: doing to and for others what we would have done to and for us in similar circumstances.

One should be modest about his or her talents, letting the work speak for itself and be generous in their praises of the good work of our peers and associates. We must be ever mindful to guard the Public Purse as if it were our own.

No matter whether an official or an employee, by our own example, we should give testimony to our regard for the rights of others, acknowledging their legitimate responsibilities and not trespassing upon them. We must concede gracefully, quickly and publicly when we have erred and be fair and sensitive to those who have not fared well in their dealings with our agencies and their applications of the law, regulations, or administrative procedures.

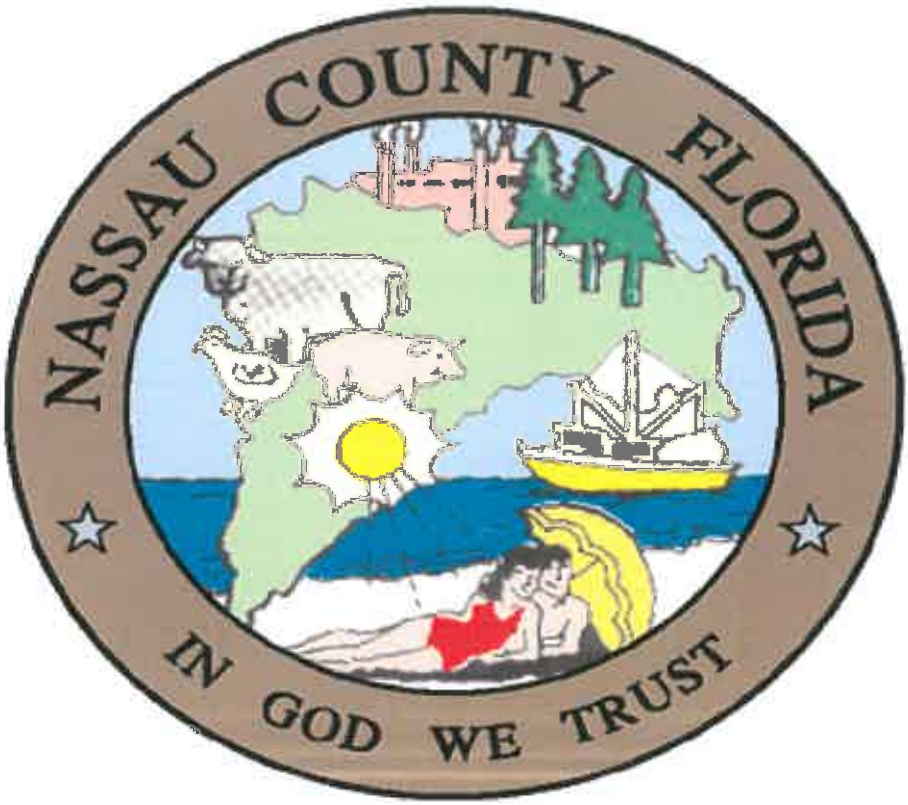
The only gains one should seek from public employment are salaries, fringe benefits, respect and recognition for work. One's personal gains may also include the infinite pleasure of doing a good job, helping the public, and achieving career goals.

No elected or appointed public servant should borrow or accept gifts from the staff or any corporation which buys services from, or sells to, or is regulated by his or her governmental agency. If one's work brings him or her in frequent contact with firms supplying the government, he or she must be sure to pay his or her own expenses.

Public property, funds and power should never be directed toward personal or political gain. We must make it clear by our own actions that we will not tolerate any use of public funds to benefit one's self, family or friends.

And finally, we must serve the public with respect, concern, courtesy and responsiveness, recognizing that service to the public is beyond service to oneself.

END



NASSAU COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

NASSAU COUNTY CODE OF ETHICS:

The Code of Ethics for Nassau County are the statutory provisions of Chapter 112, Florida Statutes.

OKALOOSA COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

OKALOOSA COUNTY CODE OF ETHICS:

The Code of Ethics for Okaloosa County are the statutory provisions of Chapter 112, Florida Statutes.

OKEECHOBEE COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

OKEECHOBEE COUNTY CODE OF ETHICS:

The Code of Ethics for Okeechobee County are the statutory provisions of Chapter 112, Florida Statutes.

ORANGE COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

ORANGE COUNTY CODE OF ETHICS:

See the enclosed adopted ordinance.

ARTICLE XIII. - ETHICAL STANDARDS FOR COUNTY OFFICERS AND EMPLOYEES

Sec. 2-451. - Short title.

This article shall be known and may be cited as the "Local Code of Ethics".

(Ord. No. 2008-15, § 2, 7-8-08)

Sec. 2-451.1. - Intent and Construction.

(a) *Intent.* The intent of the Board in adopting a Local Code of Ethics is to ensure that County officers and employees observe in all official acts the highest standards of ethics regardless of personal consideration; recognize that promoting the public interest and maintaining the respect and trust of the people in their government must be of foremost concern; and hold each County officer and employee accountable to the community in providing service in accordance with the highest standards of performance, professionalism, and ethical conduct.

Furthermore, the intent of the Board in adopting a Local Code of Ethics is not to impose additional regulation relating to standards of conduct and disclosure so as to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve but to allow County officials and employees the opportunity available to other citizens to acquire and retain private economic interests as long as the private economic interests do not conflict with the responsibility of such officials to the public.

(b) *Construction.* This ordinance shall be broadly construed to effect its purpose of ensuring an ethical government for the benefit of the citizens and residents of Orange County while encouraging participation in government by those best qualified to serve.

(Ord. No. 2011-09, § 1, 6-28-11)

Sec. 2-452. - Definitions.

As used in this article, the following terms shall have the meanings given herein. All other terms used in this article shall have the meaning provided in Part III, Chapter 112, Florida Statutes:

(a) *Board* or *BCC* means the Orange County Board of County Commissioners.

(b) *Business Associate* has the meaning ascribed in subsection 112.312(4), Florida Statutes, and is defined to mean any person or entity engaged in or carrying on a business enterprise with a public officer, public employee, or candidate as a partner, joint venture, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property. In addition, the term includes any person or entity engaged in or carrying on a business enterprise, or otherwise engaging in common investment, with a public officer, public employee, or candidate as a partner, member, shareholder, owner, co-owner, joint venture partner, or other investor, whether directly or indirectly, whether through a Business Entity or through interlocking Parent Entities, Subsidiary Entities, or other business or investment scheme, structure, or venture of any nature.

(c) *Business Entity* is defined to mean any corporation, limited liability company, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not.

(d) *Business Relationship* means the creation of a Business Relationship with a Business Associate.

(e) *County* means Orange County, Florida.

(f) *County Ethics Officer* means the county attorney or designee designated as the local ethics officer by executive order.

(g) *County Investigative Officer ("Investigator")* means the County Ombudsman or an authorized agent retained by independent contract with the County whose duty it is to administer and process the provisions of this article.

(h) *De Minimus* means any benefit, property, or service that has value of five dollars ($5.00) or less.

(i) *Form 1, Form 6* and *Form 8B* means those forms described in section 112.3147, Florida Statutes, which are prescribed by the Commission on Ethics.

(j)

Hearing Officer means the person authorized under this Code and retained by contract with the County for the purpose of holding final administrative hearings and establishing penalties, consistent with the provisions of section 162.03, Florida Statutes, for alleged violations of this article.

(k) *Indirect* or *Indirect Interest* has the meaning ascribed in subsection 112.312(13), Florida Statutes, and is defined to mean an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.

(l) Local Financial Disclosure means the four (4) additional statements of financial interests required to be filed pursuant to section 2-453 of this Code.

(m) *Material interest* has the meaning ascribed in subsection 112.312(15), Florida Statutes, and is defined to mean direct or Indirect ownership of more than five (5) percent of the total assets or capital stock of any Business Entity. For the purposes of this act, Indirect ownership does not include ownership by a spouse or minor child.

(n) *Mayor* means the Orange County Mayor.

(o) *Parent Entity* means a separate Business Entity that either (i) owns all or a Significant Interest in a Subsidiary Entity or (ii) controls all or a material portion of the operations or assets, or both, of a Subsidiary Entity.

(p) *Perception or Appearance of Conflict* is intended to be construed consistent with the intent stated at section 112.311, Florida Statutes, and, for the limited purposes described in this article, in addition to the ordinary meaning of the terms "Perception or Appearance of Conflict," this term shall be deemed to include a situation where the mayor or commissioner has or had, within a previous two-year period, a potential conflict of interest due to involvement in a Business Relationship with a person now bringing the matter before the Board.

(q) *Significant Interest* means direct or Indirect ownership of more than one thousand dollars ($1,000.00) of assets or capital stock of any Business Entity, as defined in this Code, or a return on investment either directly or

indirectly valued in excess of one thousand dollars ($1,000.00) from any Subsidiary Entity within the previous twelve-month calendar reporting period.

(r) *Special Master* means the person authorized by this Code and retained by contract with the County to hold hearings for the purpose of determining probable cause, consistent with the provisions of section 162.03, Florida Statutes, for alleged violations of this article.

(s) *Stand-Alone Social Event* means a social gathering or function of ten (10) or more persons, the purpose of which is to celebrate or memorialize a particular holiday or event. Examples of stand-alone social events shall include, but not be limited to: baby showers, birthdays, engagement parties, funerals, graduation parties, grand openings, holiday celebrations, and weddings. Any social event, the purpose of which may be related to lobbying or otherwise seeking to influence the mayor or a commissioner on a matter that is scheduled to come before the Board, would not qualify as a stand-alone social event.

(t) *Subsidiary Entity* means a separate Business Entity controlled by another independent or separate Business Entity, in which the controlling Business Entity's interest constitutes a Significant Interest, as defined in this Code.

(Ord. No. 2008-15, § 2, 7-8-08; Ord. No. 2010-08, § 2, 6-29-10; Ord. No. 2011-09, § 2, 6-28-11)

Sec. 2-453. - Code of ethical standards for County officers and employees.

(a) *Local Financial Disclosure.*

(1) In addition to the annual statement of financial interests and all other disclosure documents required to be filed pursuant to Florida law, any person required to file an annual statement of financial interest, as described in Part III, Chapter 112, Florida Statutes, shall file four (4) separate Local Financial Disclosure forms with the Orange County Office of Agenda Development on a schedule as follows:

- For the period of January 1 to March 31, within thirty (30) days following March 31;
- For the period of April 1 to June 30, within thirty (30) days following June 30;

- For the period of July 1 to September 30, within thirty (30) days following September 30; and
- For the period of October 1 to December 31, within thirty (30) days following December 31.

The filing party shall continue to file the annual statement of financial interest as required under Florida law, and such annual filing is not under the jurisdiction of this Code.

Each Local Financial Disclosure shall be submitted on the appropriate form which shall include disclosure of the following information during the reporting period:

a. For persons required under state law to file an annual form of financial interest (Form 6), the Local Financial Disclosure form, as required by Article II, Section 8, Florida Constitution, sections 112.3144. 112.312, and 112.3145, Florida Statutes, and this Code, shall include the following information:

   1. The filing party's net worth;
   2. Assets worth more than one thousand dollars ($1,000.00);
   3. Liabilities;
   4. All sources of income including primary sources of income and secondary sources of income;
   5. Interests in specified businesses; and
   6. All real property except homestead property which is owned directly or indirectly by the filing party.

   Disclosure relating to items 1. through 6. above shall be interpreted and disclosed in accordance with the requirements and instructions for Commission on Ethics Form 6 and in accordance with the terms as defined in Part III, Chapter 112, Florida Statutes; provided, however, if you are required to file a Form 6 and if you have a beneficial, equitable, or Significant Interest in a Business Entity during the disclosure period you must identify said Business Entity in accordance with this section. Attaching a tax return will not satisfy the quarterly disclosure requirements under this Code.

b. For persons required under state law to file an annual form of financial interest (Form 1), the Local Financial Disclosure form, as required by Article II, Section 8, Florida Constitution, section 112.3145, Florida Statutes, and this Code, shall include the following information:

1. All sources of income including primary sources of income and secondary sources of income;
2. All real property except homestead property;
3. All intangible personal property;
4. Liabilities; and
5. Interests in specified businesses.

c. Additionally, in all cases the filing party shall identify:

1. All Business Associates; and
2. All Business Entities in which the filing party has a Significant Interest either directly or indirectly during the reporting period. In the case of disclosure of a Business Entity in which the filing party has a Significant Interest either directly or Indirectly this disclosure shall include any limited liability company and all Subsidiary Entities of such Business Entity.

(2) A process for distribution of the Local Financial Disclosure forms and the format of the Local Financial Disclosure forms shall be established separately by administrative regulation.

(3) In completing the Local Financial Disclosure forms, if there is no change from the previously filed report, the words, "No Change" may be indicated on the form by the reporting individual; however, in all cases a form shall be signed and filed by the reporting individual.

(b) *Supplemental Local Financial Disclosure.* As a supplement to the Local Financial Disclosure required pursuant to subsection (a), above, the Mayor and each commissioner shall disclose in writing all new Business Associates acquired by the mayor or commissioner and all Business Entities in which the officer acquires a Significant Interest, either directly or indirectly, and all known Parent Entities and Subsidiary Entities of such Business Entity. The written disclosure shall be filed within seven (7) days of the formation of the Business Entity or the date the mayor or commissioner enters into the Business Relationship with the new Business Associate.

The mayor and each commissioner shall disclose this information on a form, adopted separately by administrative regulation, which shall be filed with the Orange County Office of Agenda Development.

(c) *Gifts.* No lobbyist or principal who retains a lobbyist shall make, directly or Indirectly, any gift to the mayor or any commissioner, and the mayor or any commissioner shall not accept any gift from a lobbyist or principal who retains a lobbyist, except the following items which are exempt from this requirement:

(1) Food or beverage of a value not to exceed thirty-five dollars ($35.00) which are provided at meetings of professional, civic, nonprofit, or charitable organizations;

(2) Gifts of De Minimus value;

(3) Food or beverage of any value which is provided at any function where the mayor or a commissioner is the featured speaker or a featured guest invited in his/her official capacity, and the meeting is either open to the public or other community leaders or elected officials have been invited and are expected to attend in their respective official capacities regardless of whether an admission fee is charged to attend said function;

(4) Food or beverage of any value which is served at a stand-alone social event; and

(5) Any gift from a relative.

"Gifts" shall be valued as described in section 112.3148, Florida Statutes.

(d) *Two-year post-employment restriction for specified employees.*

(1) Consistent with the provisions of subsection 112.313(13), Florida Statutes, for a period of two (2) years following the date an individual leaves employment with the County, those County employees required to file financial disclosure pursuant to section 112.3145, Florida Statutes, shall not personally represent any person or entity for compensation before the Board.

(2) This paragraph is not applicable to any person who is an employee of the County prior to January 1, 2009.

(e) *One-year post-employment restriction for specified employees.*

(1)

For a period of one (1) year following the date an individual leaves employment with the County, a County employee who substantially contributed to the creation of a request for bid or request for proposal, including the bid or proposal package, the associated contract, and the evaluation of any such bid or proposal, may not engage in employment activities for the selected contractor when the employment activity is directly related to the resulting contract or contractual services.

(2) An employee may seek legal counsel of the County Ethics Officer in interpreting this section of law prior to his/her termination of County employment.

(3) The County Administrator may grant a waiver of this restriction as to any affected County employee for good cause shown provided that the employee's termination of employment is not involuntary (except that a waiver shall be granted in cases of involuntary unemployment through no fault of the employee) and in those cases where granting the waiver is in the public interest.

(4) The language provided in paragraph (1), above, shall be included in all bid or proposal packages issued by the County, the contractor's violation of which shall be grounds for County termination of the contract.

(f) *Disclosure; abstaining from vote due to apparent conflict of interest.*

(1) In addition to the requirements that a local officer abstain from voting due to conflict as provided in section 112.3143, Florida Statutes, when the mayor or a commissioner knowingly is a Business Associate, as defined herein, with any person bringing a matter before the Board or when a matter before the Board will benefit any person with whom the mayor or a commissioner knowingly was a Business Associate in the previous two-year period, the mayor or commissioner shall disclose the existence of the Business Associate.

(2) a. The mayor or any commissioner may abstain from voting on any matter coming before the Board if:

1. The matter is brought by or benefits a person with whom the mayor or that commissioner knowingly is a Business Associate at the time of the vote; or

2.

The matter is brought by or benefits a person with whom the mayor or that commissioner knowingly was a Business Associate within the two-year period prior to the matter coming before the Board.

b. If applicable, the basis for abstaining from the vote shall be an Appearance or Perception of Conflict, as defined in this article, and the mayor or commissioner shall:

1. Prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting; and

2. Within fifteen (15) days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum of voting conflict (commission on ethics Form 8B) filed with the person responsible for recording the minutes of the meeting. The memorandum shall be incorporated into the minutes of the meeting at which the officer abstained.

(3) Unless otherwise a conflict under state law, for purposes of abstaining from voting due to appearance of conflict, this section may not be applied to a business relationship established prior to:

a. The effective date of this article, or

b. The date the mayor or member of the board began his/her term of office;

However, in all cases where the mayor or a member of the BCC is a business associate, as defined herein, with any person bringing a matter before the BCC or when a matter before the BCC will benefit any person with whom the mayor or a member was a business associate in the previous two-year period, the mayor or member shall disclose the nature of the prior relationship prior to voting.

(g) *Additional disclosure.*

(1) If a mayor or a commissioner e votes favorably on a matter before the Board and, within one (1) year from the date of that vote, that mayor or commissioner enters into a Business Relationship, as defined herein, with the person who brought the matter before the Board, the Business

Relationship shall be disclosed orally at the next Board meeting following the mayor or commissioner's knowledge that the Business Relationship exists. A written memorandum, a form of which is adopted separately by administrative regulation, disclosing the nature of the Business Relationship shall be filed with the person responsible for recording the minutes of the meeting within fifteen (15) days of the oral disclosure and shall be incorporated into the minutes of the meeting at which the oral disclosure was made.

(2) Disclosure obligations under this paragraph shall cease after the date the mayor or commissioner vacates his/her office.

(h) *Solicitation and Receipt of Contributions.* Charitable Contribution Fundraising. The solicitation of funds by the Mayor or a County Commissioner for a nonprofit, charitable organization, as defined under the Internal Revenue Code, is permissible so long as there is no quid pro quo or other special consideration, including any direct or Indirect benefit between the parties to the solicitation.

(Ord. No. 2008-15 , § 2, 7-8-08; Ord. No. 2010-08 , § 3, 6-29-10; Ord. No. 2011-09 , § 3, 6-28-11)

Sec. 2-454. - Applicant disclosure; review and approval of certain development-related items.

(a) All procurement or development-related items presented to or filed with the county for consideration shall include a relationship disclosure form, said form to be adopted separately by administrative regulation and which shall direct the applicant to disclose:

(1) Whether the applicant is a business associate, as defined herein, with the mayor or any member of the BCC, including a business associate in a limited liability company or a subsidiary entity of the business entity;

(2) Any person involved with the item who has a beneficial interest in the outcome of the matter and who is a business associate, as defined herein, with the mayor or any member of the BCC, including a business associate in a limited liability company or a subsidiary entity of the business entity;

(3) Whether the applicant is a relative, as this term is defined at F.S. § 112.312 (21), of the mayor or any member of the BCC; and

(4) Whether the mayor or any member of the BCC is an employee of the applicant, using the term employee as it is defined at F.S. § 440.02(15).

(b) For development-related items, if an applicant discloses the existence of a relationship as described in subsection (a), above, and the matter will receive final consideration by the concurrency review committee or the development review committee, notwithstanding anything to the contrary in this Code, the matter shall be directed to the BCC for final consideration and action following committee review.

(Ord. No. 2008-15 , § 2, 7-8-08; Ord. No. 2010-08 , § 4, 6-29-10)

Sec. 2-455. - Investigation of alleged violations.

(a) *Administrative processing.* A complaint form shall be adopted separately by administrative regulation. All complaints shall be filed with the Orange County Office of Ombudsman or other office as designated by the County Administrator. The determination of jurisdiction shall be made by the County Investigative Officer as follows:

(1) Receipt of sworn complaint by County Investigative Officer. Such sworn complaint shall be based upon personal information or information other than hearsay and the complaint shall allege all violations that arise from the facts or allegations in a complaint.

(2) Notification to respondent of receipt of complaint.

(3) Review of all documents and legal basis for the complaint.

(4) Interviews with County personnel and/or divisions or departments where necessary to develop a preliminary report finding jurisdiction or lack thereof.

(5) Determination of whether respondent will seek to rely upon advice, provided in writing, by the County Ethics Officer. If yes, a copy of the written document shall be provided to the County Investigative Officer and is an affirmative defense to any relevant allegation of violation of this article.

(6) Making the initial jurisdictional determination regarding further action pursuant to this section as follows:

a. For a determination of jurisdiction to be found by the County Investigative Officer the complaint shall be based solely on issues related to the local code of ethical standards described in section 2-453 of this Code.

b. If the same or similar complaint is filed with the state commission on ethics, the County may abate its case under this article until the separate complaint is resolved or dismissed by the state.

c. If no jurisdiction is found, or if it can be concluded from the face of the complaint that the applicable period of limitation has run, the case shall be closed, notice of a finding of no jurisdiction shall be sent to respondent and complainant, and the matters at issue shall not be the basis for any subsequent complaint alleging violations based upon the same action, nonaction, or circumstance.

d. If jurisdiction is found, the following shall be provided to the respondent and complainant:

1. A written determination of jurisdiction identifying specific Code sections;

2. A recommendation as to probable cause; and

3. A recommendation as to fine or other sanction, which shall be based where applicable upon an enforcement response guide and fine matrix adopted separately by administrative regulation.

(7) a. If the respondent accepts the findings of County Investigative Officer, as provided in subsection (6)d., above, the respondent may, where permitted under the enforcement response guide and fine matrix for reference, provide to the County Investigative Officer a written acceptance and signed settlement agreement. Once signed by the investigator and respondent, the settlement agreement will be sent to the Special Master for review and ratification unless the investigator is authorized to finalize settlement under the guidelines stated in the enforcement response guide and fine matrix.

b. If the respondent does not accept the findings of the County Investigative Officer or settlement is not applicable, the provisions of subsection (b) below shall apply.

c. Evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration in settling or attempting to settle a matter is not admissible to prove

liability for or invalidity of the claim. Evidence of conduct or statements made in settlement negotiations is likewise not admissible.

(b) *Determination of probable cause/preliminary hearing.*

(1) *Preliminary hearing/process.* Upon determination of jurisdiction by the county investigative officer, if the matter does not settle and, where applicable, the matter shall be referred to a special master retained by the county for the purpose of conducting a preliminary hearing to determine probable cause. At the preliminary hearing, the respondent and the county investigative officer shall each be permitted to make brief statements, in the nature of oral argument, before a probable cause determination is made by the special master. The special master's probable cause determination shall be based upon:

a. The complaint;

b. The investigator's preliminary report, including the investigator's recommendation as to probable cause and recommendation as to fine or other sanction;

c. Any written statements submitted by the respondent; and

d. Any oral statements made by the county investigative officer and/or the respondent at the preliminary hearing.

(2) *Settlement agreement.* The special master may, after review, ratify any proposed settlement agreement provided in this matter if such is presented by the respondent and county investigative officer. If the special master disagrees with the proposed settlement agreement, the special master shall inform the respondent and county investigative officer in writing of the reason(s) for the special master's refusal to ratify and may provide an alternative agreement. If the respondent does not accept the special master's alternative agreement, a hearing will be held before the special master as if there had been no settlement agreement presented.

(3) *[Evidence.]* Evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept, a valuable consideration in settling or attempting to settle a matter is not admissible to prove liability for or invalidity of the claim. Evidence of conduct or statements made in settlement negotiations is likewise not admissible.

(4) *Hearing/findings.* At the conclusion of the preliminary hearing, the special master may continue its determination to allow further investigation by either party; may order the issuance of a report of its investigation if it finds no probable cause to believe that there has been a violation of this article (thus concluding the matter before it); may order a final, public hearing of the complaint if it finds probable cause to believe that there has been a violation of this article; or may take such other action as it deems necessary to resolve the complaint, consistent with due process of law. In making its determination regarding a determination of probable cause the special master may consider:

a. The sufficiency of the evidence against the respondent, as contained in the investigator's report;

b. The admissions and other stipulations of the respondent, if any;

c. The nature and circumstances of the respondent's actions;

d. The expense of further proceedings; and

e. Such other factors as it deems material to its decision.

(5) a. If probable cause is found, the special master shall determine in writing what charges are at issue, shall notify the complainant and the respondent in writing of the finding of probable cause (with a copy to the county investigative officer), and shall include in the written finding the special master's recommended action, including a recommended penalty. The matter shall then be referred to a hearing officer for a final determination.

b. If the respondent accepts the findings of the special master, including the determination of probable cause and the recommended penalty, the respondent may provide to the special master a written acceptance and signed settlement agreement. Once signed by respondent and special master, the settlement agreement will be sent to the hearing officer for review and ratification.

c. If no probable cause is found, the special master shall dismiss the case. A finding of no probable cause by the special master is a full and final adjudication of all such matters and the county investigative

officer may not investigate a respondent in any subsequent complaint alleging violations based upon the same action, nonaction, or circumstance.

(c) *Final determination.*

(1) If the special master finds probable cause, and no settlement has occurred, the matter shall be referred to a hearing officer for a final hearing and issuance of a final administrative order in this matter. The hearing officer's findings shall be based upon:

a. The complaint;

b. The investigator's preliminary report, including the investigator's recommendation as to probable cause and recommendation as to fine or other sanction;

c. Any written statements submitted by the respondent; and

d. Any oral statements made by the county investigative officer and/or the respondent in this matter.

(2) The final administrative order shall state findings of fact, based on evidence of record, and conclusions of law, and shall impose the appropriate relief or penalty consistent with the powers granted by this article.

(d) *Exemptions from public records law and public meetings laws.* As authorized by Chapter 2010-130, Laws of Florida, the following exemptions from the Florida's public records and public meetings law shall apply:

(1) A complaint and records relating to a complaint which is filed pursuant to this rticle, or any preliminary investigation made of such complaint, shall be confidential and exempt from the provisions of F.S. § 119.07(1), § 24(a), Article I of the Florida State Constitution, and F.S. § 120.525.

(2) Any proceeding conducted pursuant to an investigatory process, and in accordance with a complaint or preliminary investigation under this article, is exempt from the provisions of F.S. § 286,011, and § 24(b), Article I of the State Constitution, and F.S. § 120.525.

(3) The aforementioned exemptions apply until such time as said complaint is dismissed as legally insufficient, until the alleged violator requests in writing that such record and proceedings be made public, or until the special master determines, based on the process described herein,

whether probable cause exists to believe a violation has occurred. In no event shall a complaint under this article against a candidate in any general, special, or primary election be filed, or any intention of filing such a complaint, be disclosed on the day of such election or within the five (5) days immediately preceding the date of the election. (Chapter 2010-130, Laws of Florida)

(4) For purposes of applying this exemption, in the event of a conflict between this article and applicable state law provisions, the state law provisions shall prevail.

(e) *Investigation and penalty provisions.* The investigatory and penalty provisions of this article shall take effect upon the county ethics officer notifying the BCC that the ethics investigator(s), special magistrate(s), and hearing officer(s), hired by the county, have completed training, consisting of a comprehensive ethics and procedure course, as coordinated by the county legal department.

(f) *Time Limitations.*

(1) All sworn complaints alleging a violation of this article shall be filed within five (5) years of the alleged violation for those individuals currently or formerly employed by, or holding elected office with, the county, providing the violation occurred after the effective date of this article or an applicable amendment.

(2) A violation of this article is committed when every element has occurred or if the violation involves a continuing course of conduct at the time when the course of conduct of the alleged violator is terminated. Time starts to run on the day the violation is committed.

(3) If it can be concluded, from the face of the complaint, that the applicable period of limitation has run, the complaint shall be dismissed. [F.S. § 112.3231]

(4) The applicable period of limitation under the ordinance is tolled on the day a sworn complaint against the alleged violator is filed, or if the same or similar complaint is filed with the State Commission on Ethics, the period of limitation shall be tolled until the separate complaint is resolved or dismissed by the state.

(Ord. No. 2008-15 , § 2, 7-8-08; Ord. No. 2010-08 , § 5, 6-29-10; Ord. No. 2011-09 , § 4, 6-28-11)

Sec. 2-456. - Penalties.

(a) Any public officer, administrative (appointed) employee, former county employee, or principal who retains a lobbyist who knowingly violates any provision of this article, including, but not limited to, any failure to file any disclosures required by this article or violation of any standard of conduct imposed by this article, may be punished by one or more of the following, as imposed by the hearing officer in the final administrative order:

(1) Verbal warning;

(2) Written reprimand;

(3) Recommend the BCC publically censure the officer or employee; and/or

(4) A civil penalty not to exceed five hundred dollars ($500.00) for each violation.

(b) Any lobbyist who knowingly violates any provision of this article may be punished by one (1) or more of the following, as imposed by the hearing officer in the final administrative order:

(1) Verbal warning:

(2) Written reprimand;

(3) Censure; or

(4) A civil penalty not to exceed five hundred dollars ($500.00) for each violation; and/or

(5) Suspension or prohibition from appearing on behalf of any principal before the board or any county advisory body or from otherwise lobbying for any principal in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two (2) years.

(c) Any employee who is not an administrative (appointed) employee who knowingly violates any provision of this article, including, but not limited to, any failure to file any disclosures required by this article or violation of any standard of conduct imposed by this article, may be subject to discipline, up to and including termination of employment, in a manner consistent with the disciplinary procedures set forth in the Orange County Policy Manual and Operational Regulations.

(d)

Appeal. Pursuant to Florida law allowing for appeal in a local code enforcement matter, an aggrieved party may appeal the final administrative order of the hearing officer to the circuit court. Any appeal shall be filed within thirty (30) days of the execution of the final administrative order.

(Ord. No. 2008-15, § 2, 7-8-08; Ord. No. 2010-08, § 6, 6-29-10)

Sec. 2-457. - Local ethics advisory board.

A county-wide ethics advisory board may be established by resolution for the purpose of monitoring ethics compliance, recommending the need for subsequent amendments to this article or additional regulatory requirements, overseeing and evaluating ethics training and education opportunities offered by the county, and encouraging similar ethics policies in other jurisdictions in Orange County. The ethics advisory board shall be funded and staffed by the county.

At a minimum the resolution establishing the ethics advisory board shall provide as follows:

(a) The ethics advisory board shall consist of no fewer than five (5) members and no greater than seven (7) members who are residents of Orange County and members may be appointed by the chief judge of the Ninth Judicial Circuit;

(b) The chief judge of the Ninth Judicial Circuit may select a chair and vice-chair or if the chair and vice-chair are not selected by the chief judge, the members may select a chair and vice-chair;

(c) The term of each member shall be appointed to serve until the task force is adjourned as provided herein;

(d) No current elected government official shall be a member of the ethics advisory board;

(e) Ethics advisory board members shall serve on a voluntary basis and shall not receive any compensation except for reimbursement of direct out-of-pocket expenses, if any, and as allowed under Florida law and county rules and regulations; and

(f) The ethics advisory board shall meet within one (1) month of its initial appointment and shall meet as necessary to carry out the business of the ethics advisory board.

(g) The ethics advisory board shall present its report to the board of county commissioners no later than six (6) months from the date of its first meeting.

(Ord. No. 2008-15, § 2, 7-8-08; Ord. No. 2010-08, § 7, 6-29-10)

Secs. 2-458—2-460. - Reserved.

OSCEOLA COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

OSCEOLA COUNTY CODE OF ETHICS:

The Code of Ethics for Osceola County are the statutory provisions of Chapter 112, Florida Statutes.

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

PALM BEACH COUNTY CODE OF ETHICS:

See the enclosed adopted ordinances.

ARTICLE VIII. - ETHICS REGULATION[2]

Sec. 8.1. - County code of ethics.

The County shall, by ordinance, adopt a Palm Beach County Code of Ethics, which shall be at least as stringent as Chapter 112, Part III, Florida Statutes, the Code of Ethics for Public Officers and Employees. The ordinance shall be prepared, adopted, and amended pursuant to the procedures in Section 8.4 below.

(Ord. No. 2010-019, pt. 1, 7-20-10)

Sec. 8.2. - Commission on ethics.

The County shall, by ordinance, establish an independent Commission on Ethics, comprised of a minimum of five members not appointed by or subject to removal by the County Commission or by any other entity subject to the jurisdiction of the Commission on Ethics, with the authority to review, interpret, render advisory opinions and to enforce the Palm Beach County Code of Ethics, and to provide ethics training to local governments, citizen groups and the general public of Palm Beach County. The ordinance shall be prepared, adopted, and amended pursuant to the procedures in Section 8.4 below. The Commission on Ethics shall be adequately funded by the County Commission and all other governmental entities that elect to be subject to the authority of the Commission on Ethics pursuant to interlocal agreement.

(Ord. No. 2010-019, pt. 1, 7-20-10)

Sec. 8.3. - Inspector general.

The County shall, by ordinance, establish an Office of Inspector General to provide independent oversight of publicly funded transactions, projects, and other local government operations. The ordinance shall be prepared, adopted, and amended pursuant to the procedures in Section 8.4 below (hereinafter "Implementing Ordinance"). The Implementing Ordinance shall provide that the Inspector General shall be selected by a Selection Committee, comprised of the Commission on Ethics, the State Attorney or designee, and the Public Defender or designee. The Implementing Ordinance shall further provide that the Inspector General shall serve a fixed term, and prior to completion of that term, may be removed only for cause and pursuant to a procedure requiring, at a minimum, supermajority votes at duly noticed public hearings of the Board of County Commissioners and the Selection Committee. The Office of Inspector General

shall be funded at minimum in an amount equal to one quarter of one percent of contracts of the County and all other governmental entities subject to the authority of the Inspector General (the "Funding Base") as determined by the Implementing Ordinance. The Board of County Commissioners may increase or decrease the Funding Base upon a showing of need for such adjustment based upon criteria contained in the Implementing Ordinance but in no event shall be Funding Base be reduced below one quarter of one percent unless the request for such reduction is made by the Inspector General. The demonstration of need shall be subject to review and recommendation by the Review Committee, which recommendation shall only be overruled by a supermajority vote of the Board of County Commissioners. No adjustment shall occur if such adjustment results in the Office of the Inspector General not being adequately funded.

(Ord. No. 2010-019, pt. 1, 7-20-10)

Sec. 8.4. - Ordinance preparation, adoption, and amendment.

Ordinances providing for implementation and funding of Article 8, Ethics Regulation, of the Palm Beach County Charter shall be prepared, adopted, and amended in the following manner:

(a) The Board of County Commissioners has adopted ordinances establishing and providing for the funding, authority and powers of the Palm Beach County Commission on Ethics and the Office of Inspector General (the "Existing Ordinances"). The drafting committee described below shall develop the ordinances enabling this Charter Amendment by beginning with the Existing Ordinances and making those changes necessary to conform the Existing Ordinances to the requirements of this Charter Amendment and proposing other such changes deemed necessary and proper by the drafting committee.

(b) Each ordinance shall be developed by a drafting committee consisting of two representatives appointed by the Board of County Commissioners; two representatives appointed by the Palm Beach County League of Cities, Inc. (the "League") or any successor entity to the League; the County Attorney or his or her designee; and the General Counsel for the League or his or her designee. In addition, the committee will include the Executive Director of the Palm Beach County Commission on Ethics for matters pertaining to the Code of Ethics and Commission on Ethics Ordinances, and will include the Inspector General for matters pertaining

to the Inspector General Ordinance ("the Initial Ordinance Drafting Committee"). The Initial Ordinance Drafting Committee may by majority vote agree to add up to three additional members representing other governmental entities that are subject to the regulation of the Inspector General, the Commission on Ethics, or both.

(c) The Board of County Commissioners may adopt any ordinance recommended by the Initial Ordinance Drafting Committee (the "Recommended Ordinance") by an affirmative vote of four members of the Board. If the Board of County Commissioners desires to change any Recommended Ordinance, the Board shall refer all proposed changes to the Initial Ordinance Drafting Committee, which shall either modify the Recommended Ordinance to include a proposed change or recommend that a proposed change not be adopted. Adoption of any change to a Recommended Ordinance requires an affirmative vote of five members of the Board. If the Initial Ordinance Drafting Committee fails to submit the Recommended Ordinance to the Board of County Commissioners within 90 days of effective date of this charter amendment or fails to take action on a proposed change within 30 days of receipt of such change from the Board, the Board of County Commissioners may take action to adopt the ordinance by an affirmative vote of four members.

(d) Amendments to any of the ordinances adopted pursuant to Section 8 of the Charter may be proposed by the Board of County Commissioners, the League, the Ethics Commission, the Inspector General, or the Executive Director of the Commission on Ethics. All proposed amendments must be reviewed by a committee with the same make-up as the Initial Ordinance Drafting Committee (the "Review Committee"). The Review Committee's recommendation shall be forwarded to the Board of County Commissioners. Any change recommended by the Review Committee may be adopted by an affirmative vote of four members of the Board of County Commissioners. Adoption of any change not recommended by the Review Committee requires an affirmative vote of five members of the Board of County Commissioners. If the Review Committee fails to submit an ordinance amendment to the Board of County Commissioners within 90

days after referral of an amendment from one of the above parties, the Board of County Commissioners may adopt the amendment by an affirmative vote of four members of the Board.

(Ord. No. 2010-019, pt. 1, 7-20-10)

Sec. 2-254. - Creation and jurisdiction.

The Palm Beach County Commission on Ethics (hereinafter "commission on ethics") is hereby established. The jurisdiction of the commission on ethics shall extend to any person required to comply with the countywide code of ethics, the county lobbyist registration ordinance, and the county post-employment ordinance, and may further extend to persons or entities required to comply with additional ordinances and regulations duly adopted by other county, local, or municipal government and any commission, bureau, district, or other governmental entity located in Palm Beach County as more fully set forth below. The jurisdiction of the commission on ethics is not exclusive. Any person or entity subject to a complaint to the county's commission on ethics may also be subject to a separate complaint to the state commission on ethics or pursuant to a municipality's ethics ordinance. A finding by the county's commission on ethics is not binding on the state and may not be binding on the municipality, depending on the nature of the complaint and whether the municipality's ethics ordinance is more restrictive than the countywide ethics code.

(Ord. No. 2011-010, § 1(Exh. 1), 5-17-11)

Sec. 2-255. - Membership, qualifications, terms, vacancies.

(a) *Composition and appointment.* The commission on ethics shall be composed of five (5) members. The members of the commission on ethics shall be appointed as follows:

(1) The president of the county association of chiefs of police shall be requested to appoint a former law enforcement official with experience in investigating white collar crime or public corruption.

(2) The president of the Hispanic Bar Association of Palm Beach County, the president of the F. Malcolm Cunningham, Sr. Bar Association, and the president of the county bar association shall be requested to appoint an attorney with experience in ethics regulation of public officials and employees.

(3) The president of Florida Atlantic University (FAU) shall be requested to appoint a faculty member who teaches at an institution of higher education with a campus located in the county and who has taught a course in professional legal ethics or has published or performed services in the field of professional legal ethics.

(4) The president of the Palm Beach Chapter of the Florida Institute of CPAs shall be requested to appoint a member who possesses at least five (5) years experience as a certified public accountant (CPA) with forensic audit experience.

(5) The board of directors of the Palm Beach County League of Cities, Inc. shall be requested to appoint a person who has served as a former elected official for a governmental entity in the county.

All appointing officers or entities identified in subsections (a)(1) through (5) shall in good faith endeavor to appoint members of the commission on ethics within forty-five (45) days of the effective date of the ordinance from which this division is derived. Each appointing entity shall promptly provide notice of each appointment to the county administrator.

(b) *Additional qualifications.* Each member of the commission on ethics shall be of outstanding reputation for integrity, responsibility and commitment to serving the community. The members of the commission on ethics should be representative of the community-at-large and should reflect the racial, gender and ethnic make-up of the community. Before entering upon the duties of office, each appointee on the commission on ethics shall take the prescribed oath of office pursuant to Florida Constitution, Art. II § 5(b). Members of the commission on ethics shall serve without compensation.

(c) *Term.* The members of the commission on ethics shall serve staggered terms of four (4) years each, provided that of the original members, two (2) members described in subsections (a)(1) and (2) shall be appointed for an initial term of two (2) years. The remaining three (3) members shall be appointed for an initial term of four (4) years. Thereafter, all members of the commission on ethics shall serve terms of four (4) years.

(d) *Vacancies.* A vacancy occurring during or at the expiration of a member's term on the commission on ethics shall be filled as provided in subsections (a) and (b), no later than sixty (60) days after the vacancy occurs.

(e) *Additional requirements.* No individual, while a member of the commission on ethics, shall:

(1) Hold or campaign for any elective political office;

(2) Hold office in any political party or political committee;

(3)

Actively participate in or contribute to any political action committee, or to any campaign for state or local office or for any U.S. Congressional or Senate office serving the State of Florida;

(4) Be employed by Palm Beach County, any municipality within the county, or any other governmental entity subject to the authority of the commission on ethics or the inspector general; or

(5) Allow his or her name to be used by a campaign in support of or against any candidate for political office or any referendum or other ballot question. Nothing herein shall preclude a member of the commission on ethics from signing a petition in support of or against any referendum or other ballot question.

(Ord. No. 2011-010, § 1(Exh. 1), 5-17-11)

Sec. 2-256. - Applicability of code of ethics ordinance.

The countywide code of ethics ordinance shall be applicable to all persons and/or entities within the jurisdiction of said ordinance and shall apply to the members and staff of the commission on ethics.

(Ord. No. 2011-010, § 1(Exh. 1), 5-17-11)

Sec. 2-257. - Organization.

(a) The commission on ethics shall elect one (1) of its voting members as chairperson who shall serve a term of two (2) years. No chairperson shall be permitted to serve two (2) consecutive terms.

(b) The commission on ethics shall adopt bylaws and rules of procedure which are consistent with the provisions of this division and rules and regulations for the commission on ethics' governance. The commission on ethics shall hold regular meetings in accordance with the bylaws of the commission and may hold such other meetings as it deems necessary.

(c) All meetings of the commission on ethics shall be public, and written minutes of the proceedings thereof shall be maintained by the commission on ethics. All actions taken at the meetings of the commission on ethics shall be promptly and properly recorded. Copies of all minutes, resolutions, decisions or advisory opinions of the

commission on ethics shall be forwarded to the clerk to the board of county commissioners no later than thirty (30) days subsequent to any meeting of the commission on ethics.

(d) The commission on ethics shall be empowered to appoint an executive director and to remove such appointee at will. The commission on ethics shall utilize a competitive selection process when selecting an executive director. The commission on ethics shall fix the executive director's salary, subject to ultimate budget approval by the board of county commissioners. The executive director shall be empowered to appoint, remove, and suspend employees or agents of the commission on ethics, subject to ultimate budget approval by the board of county commissioners. The executive director shall be further empowered to adopt personnel and management policies consistent with like policies in place for county personnel.

(Ord. No. 2011-010, § 1(Exh. 1), 5-17-11)

Sec. 2-258. - Powers and duties.

(a) The commission on ethics shall be authorized to exercise such powers and shall be required to perform such duties as are hereinafter provided. The commission on ethics shall be empowered to review, interpret, render advisory opinions and enforce the:

(1) Countywide Code of Ethics;

(2) County Post-employment Ordinance; and

(3) County Lobbyist Registration Ordinance.

(b) As set forth in the Office of Inspector General, Palm Beach County, Florida Ordinance, the commission on ethics shall serve with one (1) delegate each from the state attorney's office and public defender's office for the Fifteenth Judicial Circuit as the inspector general committee. The inspector general committee shall be authorized to select the inspector general, to determine whether or not to renew the term of an inspector general, and to participate in the removal of the inspector general as set forth in greater detail in the Office of Inspector General, Palm Beach County, Florida Ordinance.

(c) The commission on ethics shall from time to time review ordinances and state and federal laws relating to ethics in government and shall report and make recommendations to the board of county commissioners and municipal elected officials as it deems appropriate.

(d) The commission on ethics shall develop and deliver ethics training and outreach programs for the benefit of county and municipal employees and officials, county and municipal vendors, nonprofit corporations, and other entities that do business with or are regulated by the county or the municipalities located within the county. The commission on ethics may recommend that the board enter into agreements with other entities to provide such training and outreach programs to be administered by the commission on ethics.

(Ord. No. 2011-010, § 1(Exh. 1), 5-17-11)

Sec. 2-258.1. - Extended jurisdiction by interagency agreements.

It is anticipated that taxing districts, and other public officials and entities will recognize and desire to benefit from the services of the commission on ethics. The commission on ethics may additionally be empowered to review, interpret, render advisory opinions, and enforce similar rules or regulations duly adopted by any commission, bureau, district, or other governmental entity located in the county, pursuant to agreements or memoranda of understanding between the commission on ethics and said entity. The memorandum of understanding or agreement shall include a provision for fees to be paid to the commission on ethics from the public entity in exchange for such benefits at a rate established by the commission on ethics. All fees paid under any such agreement shall be used solely to fund the operations of the commission on ethics and its staff. Any such agreement or memorandum of understanding is subject to final approval of the board, but such approval shall not be unreasonably withheld.

(Ord. No. 2011-010, § 1(Exh. 1), 5-17-11)

Sec. 2-259. - Financial support for the commission.

(a) The commission on ethics shall establish a fiscal year which coincides with that of the county. Pursuant to its annual budget process, the county shall provide sufficient financial support for the commission on ethics to fulfill its duties as set forth in this division. The commission on ethics shall timely submit to the board of county commissioners a budget request including a reasonable estimate of operating and capital expenditures, which request shall not be implemented until approved by the board of county commissioners.

(b)

The commission on ethics budget request shall be prepared on official county budget forms in a format prescribed by the county office of financial management and budget, shall be reviewed in a manner similar to that in which of other county departments are reviewed, and shall be incorporated in the proposed budget and timely submitted to the board of county commissioners each year. Nothing contained herein shall be construed to prohibit the commission on ethics from submitting to the board of county commissioners supplemental budget requests which, if approved, shall constitute amendments to the county budget.

(c) In addition to budgetary appropriations made by the county, the board of county commissioners, may, for the benefit of the commission on ethics, accept grants, contributions or appropriations from the federal government, state government, any municipality within the county, or any academic institution or nonprofit entity which has not entered into a contract or transacted business with the county or any governmental entity subject to the provisions of this division. The commission on ethics may accept grants, contributions or appropriations from an academic institution or nonprofit entity which has entered into a contract or transacted business with the county if the board of county commissioners by resolution approves the grant, contribution, or appropriation. No other grants, contributions or appropriations may be accepted by the commission on ethics.

(Ord. No. 2011-010, § 1(Exh. 1), 5-17-11)

Sec. 2-260.5. - Effect on other laws.

The provisions of this division shall be deemed supplemental to any other applicable County ordinance or state or federal law and are not intended to replace or repeal any provision of state or federal law or of this Code.

(Ord. No. 2011-010, § 1(Exh. 1), 5-17-11)

Sec. 2-260.9. - Advisory opinion.

Any person within the jurisdiction of the Commission on Ethics, when in doubt about the applicability or interpretation of any provision within the Commission on Ethics' jurisdiction to himself or herself in a particular context, may submit in writing the facts of the situation to the Commission on Ethics with a request for an advisory opinion to establish the standard of public duty, if any. A person requesting an advisory opinion may withdraw the request at any time up to

ten (10) days before the Commission on Ethics convenes a public meeting to consider the request. An advisory opinion shall be rendered by the Commission on Ethics on a timely basis, and each such opinion shall be numbered, dated and published.

(Ord. No. 2011-010, § 1(Exh. 1), 5-17-11)

Sec. 2-260. - Procedure on complaints filed.

(a) *Filing of complaints.*

(1) Any person may file a complaint with the commission on ethics.

(2) The inspector general, executive director of the commission on ethics or the state attorney may file a complaint with the commission on ethics.

(b) *Legal sufficiency of complaints.*

(1) In order to be found legally sufficient, complaints filed by persons under subsection (a)(1) above, must:

a. Be in writing, and executed on a form prescribed by the commission on ethics;

b. Allege the elements of a violation within the commission on ethics' jurisdiction in the complaint and/or supporting documents provided;

c. Be based substantially upon the personal knowledge of the complainant; and

d. Be signed under oath or affirmation by the complaining person.

(2) In order to be found legally sufficient, complaints filed by the inspector general, executive director of the commission on ethics or the state attorney, must:

a. Be in writing, and executed on a form prescribed by the commission on ethics;

b. Allege the elements of a violation within the commission on ethics' jurisdiction in the complaint and/or supporting documents provided;

c. Be sworn to by the person filing the complaint before a notary public and contain the following language: "Personally known to me and appeared before me, _____, whose signature appears below, being duly sworn, says that the allegations set forth in this complaint are based upon facts which have been sworn to as true by a material witness or witnesses and which if true would constitute the offenses alleged and that this complaint is instituted in good faith."

Upon a finding of legal sufficiency by the Executive Director, the Commission on Ethics shall initiate a preliminary investigation.

(c)

Documents provided to the respondent. Within twenty (20) days of a legal sufficiency finding, a copy of the complaint and all documents in support thereof shall be sent to the alleged violator, otherwise known as the respondent.

(d) *Preliminary investigation and public hearing.* A preliminary investigation shall be undertaken by the Commission on Ethics of each legally sufficient complaint over which the Commission on Ethics has jurisdiction to determine whether there is probable cause to believe that a violation has occurred. If, upon completion of the preliminary investigation, the Commission on Ethics finds no probable cause to believe that a violation has been committed, the Commission on Ethics shall dismiss the complaint with the issuance of a report to the complainant and the respondent. If the Commission on Ethics finds from the preliminary investigation probable cause to believe that a violation has been committed, it shall set the matter for a public hearing and notify complainant and respondent via certified mail, hand delivery, or courier. The Commission on Ethics or the hearing officer conducting the public hearing may conduct such further investigation as it deems necessary, and may enter into such stipulations and settlements as it finds to be just and in the best interest of the citizens of the county. The public hearing provided for in this section shall be held within one hundred twenty (120) days of the probable cause determination unless extended by the Commission on Ethics or the hearing officer conducting the public hearing for good cause based on the request of a party or on its own initiative.

(e) *Investigations.* Investigations shall be conducted by Commission on Ethics staff or by any other person or agency so designated by the Commission on Ethics under the supervision of the Executive Director and/or the inspector general. Investigations shall be limited to the allegations of the complaint, but shall include an investigation of all facts and persons materially related to the complaint at issue. Subsequent to the filing of a complaint and notice to the respondent, the commission on ethics has an ongoing duty to disclose to the respondent any and all additional documents, statements of witnesses and other evidence, not otherwise subject by statute to nondisclosure, obtained by the Commission pursuant to the ongoing investigation of a complaint.

(f) *Counsel.*

(1) Counsel to Commission on Ethics. The Commission on Ethics shall select counsel to advise the Commission on Ethics.

(2)

Advocate. The Commission on Ethics shall retain legal counsel to serve as the advocate. The advocate shall prosecute cases before the Commission on Ethics or hearing officer. The executive director may serve as advocate provided the executive director is a member of the Florida Bar in good standing.

(3) Counsel to the Commission on Ethics, the advocate, or both may serve on a volunteer basis.

(4) Respondent. The respondent may appear on his or her own behalf or may be represented by a lawyer. All notices and communications to a respondent represented by a lawyer shall be made through respondent's lawyer.

(g) *Public records exemption.* The Commission on Ethics and its staff shall be considered "an appropriate local official" for the purposes of whistleblower protection provided for in F.S. § 112.3188(1). The complaint and all records held by the Commission on Ethics and its staff related to an active preliminary investigation are confidential and exempt from disclosure in a manner consistent with the provisions in F.S. § 112.324(2)(a) and (3) and § 112.3188(2). In addition, any proceeding conducted by the Commission on Ethics pursuant to a complaint or preliminary investigation is exempt from the provision F.S. § 286.011, and Article 1, § 24(b) of the Florida Constitution, as set forth in F.S. § 112.324(2)(a) and (3). Once a preliminary investigation is complete and a probable cause determination made, all other proceedings conducted pursuant to this subsection shall be public meetings within the meaning of F.S. ch. 286, and all other documents made or received by the Commission on Ethics or hearing officer shall be public records within the meaning of F.S. ch. 119, subject to whistleblower confidentiality as provided for in F.S. § 112.3188(1).

(h) *General power of subpoena.* The Commission on Ethics shall be empowered to subpoena and investigate. In the case of a refusal to obey a request for documents or for an interview during an investigation, the Commission on Ethics may subpoena relevant witnesses and compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other relevant items. The Commission on Ethics may delegate to its staff the authority to administer oaths and affirmations. In the case of a refusal to obey a subpoena issued to any person, the Commission on Ethics may make application to any circuit court of this state which shall have jurisdiction to order the

witness to appear before the Commission on Ethics and to produce evidence, if so ordered, or to give testimony relevant to the matter in question. Any person who fails to obey the order may be punished in a court of law. Seventy-two (72) hours prior to serving a subpoena, the Executive Director shall provide written notice to the State Attorney and the U.S. Attorney for the Southern District of Florida. The Commission on Ethics shall not interfere with any ongoing criminal investigation or prosecution of the State Attorney or the U.S. Attorney for the Southern District of Florida. When the State Attorney or the U.S. Attorney for the Southern District of Florida has explicitly notified the Commission on Ethics in writing that the commission's investigation is interfering with an ongoing criminal investigation or prosecution, the Commission on Ethics shall suspend service of subpoena, examination of witnesses, or other investigative activities as set forth in the notice.

(i) *Subpoenas for discovery.* At any time after the Commission on Ethics orders a public hearing of the matter, the Commission on Ethics or the hearing officer conducting the public hearing may issue subpoenas, as provided in subsection (h), to effect discovery upon the written request of respondent or advocate. The requesting person shall give the name and address of each witness he or she wishes to have deposed and shall describe with particularity those documents or other items that the person wishes to have the witness produce pursuant to a subpoena *duces tecum.* The chairperson or a member of the Commission on Ethics designated by the chairperson, or the hearing officer may issue appropriate orders to effectuate the purposes of discovery and to prevent delay.

(j) *Subpoenas for public hearing.* The respondent and the advocate shall submit to the Executive Director a list of all witnesses he or she wishes to have subpoenaed to attend the hearing. The lists shall contain the correct names and addresses of the witnesses and shall describe with particularity those documents or other items that he or she wishes to have the witness bring to the hearing pursuant to subpoena *duces tecum.* Subpoenas shall be issued as provided in subsection (h).

(k) *Motions.*

(1) All motions shall be in writing unless made on the record during a hearing, and shall fully state the actions requested and the grounds relied upon. The motion shall include a statement that the movant has conferred with the advocate and all other parties of record and shall state whether there is any objection to the motion.

(2) The original written motion shall be filed with the Commission on Ethics and a copy served on all parties or their attorneys. The Commission on Ethics staff shall send a copy of the motion to the chairperson or the hearing officer conducting the public hearing.

(3) The chairperson, or a member of the Commission on Ethics designated by the chairperson, or the hearing officer conducting the public hearing shall conduct such proceedings and make such orders as are deemed necessary to dispose of issues raised by motions, but is not required to hold a hearing on the motion in order to rule upon it.

(4) Every written motion may be accompanied by, or included in, a written memorandum stating the grounds upon which the motion is based. Other parties to a proceeding may, within seven (7) days of service of a written motion, file written memoranda in opposition.

(l) *Prehearing conferences.* The chairperson, a member of the Commission on Ethics designated by the chairperson, or the hearing officer conducting the public hearing may conduct one (1) or more prehearing conferences for the purpose of hearing arguments on pending motions, clarifying and simplifying issues, discussing the possibilities of settlement of the issues, examining exhibits and documents, exchanging names and addresses of witnesses, and resolving other procedural matters.

(m) *Exchange of witness lists.* Unless otherwise ordered by the chairperson, a member of the Commission on Ethics designated by the chairperson, or the hearing officer conducting the public hearing as a result of a prehearing conference, the advocate and the respondent(s) or counsel for respondent(s) shall exchange the names and addresses of witnesses at least ten (10) days prior to the public hearing, with a copy being provided to the chairperson. Names and addresses of witnesses discovered subsequently shall be disclosed to the other party or parties and to the chairperson as soon as possible. Failure to disclose the name and address of a witness may result in the exclusion of the witness testimony, according to the rule applied in civil judicial proceedings.

(Ord. No. 2011-010, § 1(Exh. 1), 5-17-11; Ord. No. 2015-032, pt. 1, 9-22-15)

Sec. 2-260.1. - Public hearing procedures.

(a)

Right to public hearing. After finding of probable cause, a respondent is entitled to a public hearing on the complaint. The respondent my elect to have the hearing conducted by the Commission on Ethics or by a hearing officer selected from a list established by the Palm Beach County Bar Association, the F. Malcolm Cunningham, Sr. Bar Association, and the Hispanic Bar Association of Palm Beach County. The associations will strive to reflect the racial, general and ethnic make-up of the community in creating and maintaining the list. The list of hearing officers shall contain no more than ten (10) names of individuals who shall serve on a rotating basis. Hearing officers shall serve without compensation. Hearing officers shall be appointed for a term of two (2) years. In order to be eligible for inclusion on the list, hearing officers shall have the following minimum qualifications:

(1) Be a member, in good standing of the Florida Bar for at least the preceding five (5) years; and

(2) Be experienced in matters of governmental ethics, including the current version of the Palm Beach County Code of Ethics, related ordinances, and rules, practices and advisory opinions of the Palm Beach County Commission on Ethics; and

(3) Attorneys with prior judicial experience or experience as a hearing officer, mediator or special master shall be deemed uniquely qualified; and

(4) Be of outstanding reputation for integrity, responsibility and commitment to serving the community; and

(5) No individual, while a hearing officer for the Commission on Ethics, shall:

a. Hold or campaign for any elective political office;

b. Hold office in any political party or political committee;

c. Actively participate in or contribute to any political action committee, or to any campaign for state of local office or for any U.S. Congressional or Senate office serving the State of Florida;

d. Be employed by Palm Beach County, any municipality within the county, or any other governmental entity subject to the authority of the Commission on Ethics or the inspector general;

e.

Allow his name to be used by a campaign in support of or against any candidate for political office or any referendum or other ballot question. Nothing herein shall preclude a hearing officer from signing a petition in support of or against any referendum or other ballot question.

(6) Hearing Officers shall be subject to the Palm Beach County Code of Ethics in the same manner as an individual serving as a Palm Beach County advisory board member.

(b) *Presentation of the case.* The advocate shall present his or her case first. Respondent may then present his or her case. Rebuttal evidence may be permitted in the discretion of the Commission on Ethics or hearing officer.

(c) *Opening and closing statements.* Opening and closing statements may be presented by the advocate and the respondent. The advocate may make the first statement and the respondent may follow. Rebuttal by the advocate may be permitted or may be denied.

(d) *Evidence.*

(1) Stipulations may be received and are encouraged as to uncontested matters.

(2) Oral evidence shall be taken only on oath or affirmation.

(3) The respondent and the advocate shall have the right: to present evidence relevant to the issue; to cross-examine opposing witnesses on any matter relevant to the issue; and to impeach any witness regardless who first called him or her to testify.

(4) The hearing shall not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted. Hearsay evidence may be used to supplement or explain other evidence, but shall not be sufficient itself to support a finding. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant and unduly repetitious evidence shall be excluded. The Commission on Ethics or hearing officer shall not allow the introduction into evidence of an affidavit of a person when that person can be called to testify; this shall not preclude the admission of a deposition of such a person, however, for any reason permissible in a court of law under the Florida Rules of Civil Procedure.

(e) *Transcript of proceedings.* The proceedings shall be recorded by recording instruments or by a court reporter. Respondent may, at his or her own expense, provide a court reporter or recording instruments. The Commission on Ethics may provide a court reporter to any proceeding conducted by the Commission or a hearing officer. No transcript of the proceedings shall be prepared unless requested by the Commission on Ethics, the hearing officer conducting the public hearing, or by the respondent. If the respondent requests that a transcript be prepared by a court reporter, the respondent shall pay the expense of transcription. If the respondent requests that the Commission on Ethics prepare a transcript from recording instruments and the Commission on Ethics grants such request, the respondent shall pay the Commission on Ethics the actual cost of transcription. If a court reporter records the proceedings, the court reporter's transcript shall be the official transcript.

(f) *Proposed public report.* After the conclusion of the hearing, the respondent and the advocate may present written proposed public reports, within a time designated by the chairperson, a member of the Commission on Ethics designated by the chairperson, or the hearing officer conducting the public hearing. If a proposed public report is filed by the respondent or the advocate, each proposed finding in the proposal that is rejected shall be accompanied by a statement summarizing the reasons for rejection.

(g) *Motions to dismiss filed by advocate.* After probable cause is found and a public hearing is ordered by the Commission on Ethics, and after further investigation or discovery is made by the advocate, the advocate may move to dismiss the proceeding if the advocate concludes that there is insufficient evidence to proceed to the public hearing in good faith. Such a motion shall specifically state the grounds upon which it is made. The motion shall be heard by the Commission on Ethics in accordance with the procedure provided for in section 2-260(i).

(h) *Public order imposing penalty.* Upon completion of any hearing initiated under this subsection, the Commission on Ethics or hearing officer shall make a finding and public report as to whether any provision within its jurisdiction has been violated. If the Commission on Ethics or hearing officer finds, by clear and convincing evidence, based upon competent substantial evidence in the record, that a violation has been committed, the Commission on Ethics or hearing officer shall issue an order imposing the appropriate penalty as provided in the ordinance being enforced. The public report and final order shall include a determination as to whether the violation was

intentional or unintentional. The Commission on Ethics or hearing officer shall, within twelve (12) months of the filing of a complaint, render a final order disposing of said complaint unless extended by the commission or hearing officer for good cause. If a person fails to comply with an order issued by the Commission on Ethics or hearing officer, the Commission on Ethics on its own behalf or on behalf of the hearing officer may make application to any circuit court of this state which shall have jurisdiction to order the violator to comply with the order of the Commission on Ethics or hearing officer. Any violator who fails to obey the order may be punished by the court.

(Ord. No. 2011-010, § 1(Exh. 1), 5-17-11; Ord. No. 2015-032 , pt. 2, 9-22-15)

Sec. 2-260.2. - Notification and referral to other authorities.

As provided for by ordinance within its jurisdiction, the Commission on Ethics or hearing officer conducting the public hearing shall refer a matter to the state attorney or any other appropriate official or agency having authority to initiate prosecution when deemed appropriate. The state attorney or other appropriate agency may decline prosecution or enforcement of any matter referred under this division and refer the matter back to the Commission on Ethics or hearing officer. The Commission on Ethics shall notify the State of Florida Commission on Ethics, the state attorney, the U.S. Attorney for the Southern District of Florida, and other appropriate law enforcement agencies within ten (10) days of a finding of no probable cause or of a final order disposing of a complaint.

(Ord. No. 2011-010, § 1(Exh. 1), 5-17-11; Ord. No. 2015-032 , pt. 3, 9-22-15)

Sec. 2-260.3. - Dismissal of complaints.

Notwithstanding any other provisions of this division, the Commission on Ethics or hearing officer conducting the public hearing may, at its discretion: (a) dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, or (b) dismiss any complaint at any stage of disposition and issue a letter of instruction to the respondent when it appears that the alleged violation was inadvertent, unintentional or insubstantial. In the event the Commission on Ethics or hearing officer dismisses a complaint as provided in this subsection, the Commission on Ethics or hearing officer shall issue a public report stating with particularity its reasons for the dismissal. The Commission on Ethics or hearing officer conducting the public hearing may, at the request of the state attorney or any other law

enforcement agency, stay an ongoing proceeding. The Commission on Ethics or hearing officer shall not interfere with any ongoing criminal investigation of the state attorney or the U.S. Attorney for the Southern District of Florida.

(Ord. No. 2011-010, § 1(Exh. 1), 5-17-11; Ord. No. 2015-032, pt. 4, 9-22-15)

Sec. 2-260.4. - Frivolous or groundless complaints.

In any case in which the Commission on Ethics or hearing officer conducting the public hearing determines that the complaining party filed a frivolous or groundless complaint as defined in F.S. § 57.105, or a complaint with malicious intent and with the knowledge that the complaint contains one (1) or more false allegations, or with reckless disregard for whether the complaint contains material false allegations, the Commission on Ethics or hearing officer shall order the complaining party to pay any costs and attorney's fees incurred by the Commission on Ethics and/or the alleged violator. The determination by the Commission on Ethics or hearing officer regarding whether a complaint is frivolous or groundless shall be deemed conclusive.

(Ord. No. 2011-010, § 1(Exh. 1), 5-17-11; Ord. No. 2015-032, pt. 5, 9-22-15)

Sec. 2-260.10. - Appeals.

(a) Any final order of the Commission on Ethics or hearing officer may be appealed by filing a petition for writ of certiorari in the Fifteenth Judicial Circuit Court in and for Palm Beach County. The Commission on Ethics shall provide the index and record on appeal when required by, and in accordance with, the Florida Rules of Appellate Procedure. A fee shall be charged by the Commission on Ethics for the preparation and transmission of the record on appeal to the court of appropriate jurisdiction. Such fee may be waived by the executive director if the party requesting the record is indigent.

(b) Costs or fees may not be assessed against the Commission on Ethics or hearing officer in any appeal from a final order or advisory opinion issued by the Commission on Ethics or hearing officer pursuant to this division.

(c) Unless specifically ordered by the Commission on Ethics or by a court of competent jurisdiction, the commencement of an appeal does not suspend or stay a final order or advisory opinion of the Commission on Ethics or hearing officer.

(Ord. No. 2011-010, § 1(Exh. 1), 5-17-11; Ord. No. 2015-032, pt. 6, 9-22-15)

Sec. 2-446. - Ethics training.

(a) Officials and employees, as public servants, are considered stewards of the public trust and should aspire to the highest level of integrity and character. Officials and employees shall be informed of their ethical responsibilities at the start of their public service, and shall receive updates and training materials on ethics issues throughout the span of their public service. The County Administrator or municipal administrator as applicable shall establish by policy a mandatory training schedule for all officials and employees which shall include mandatory periodic follow-up sessions. This policy may also address ethics training for entities that receive County or municipal funds as applicable.

(b) The Commission on Ethics shall develop and deliver, or contract with other entities to develop and deliver, training programs. The Commission on Ethics shall coordinate and cooperate with all affected County or municipal entities, departments, agencies, boards, councils and commissions to ensure that effective and meaningful training experiences are delivered in a timely and efficient manner.

(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11)

Sec. 2-441. - Title; statement of purpose.

This article shall be known as the Palm Beach County Code of Ethics. This code of ethics is enacted pursuant to Florida Constitution, Article VIII, section 1(g), Florida Statutes, ch. 125, and the Charter of Palm Beach County. The Municipalities located within Palm Beach County are subject to the provisions of this code of ethics pursuant to referendum. The purpose of this code is to provide additional and more stringent ethics standards as authorized by Florida Statutes, § 112.326. This code shall not be construed to authorize or permit any conduct or activity that is in violation of Florida Statutes, ch. 112, pt. III. This code of ethics shall be deemed additional and supplemental to any and all state and federal laws governing ethical conduct of officials and employees, as well as all local laws, rules, regulations and policies.

Officials and employees in the public service shall be conscious that public service is a public trust, shall be impartial and devoted to the best interests of the people of Palm Beach County, and shall act and conduct themselves so as not to give occasion for distrust of their impartiality.

Nothing herein shall abridge employees' constitutional right to collective bargaining.

(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11)

Sec. 2-442. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advisory board shall mean any advisory or quasi-judicial board created by the board of county commissioners, by the local municipal governing bodies, or by the mayors who serve as chief executive officers or by mayors who are not members of local municipal governing bodies.

Customer or *client* means any person or entity to which an official or employee's outside employer or business has supplied goods or services during the previous twenty-four (24) months, having, in the aggregate, a value greater than ten thousand dollars ($10,000.00).

Domestic partner is an adult, unrelated by blood, with whom an unmarried or separated official or employee has an exclusive committed relationship and maintains a mutual residence.

Financial benefit includes any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. This term does not include campaign contributions authorized by law.

Household member includes anyone whose primary residence is in the official or employee's home, including non-relatives who are not rent payers or employees of the head of the household.

Inspector general shall mean the office established in article XII of this chapter.

Lobbying shall mean seeking to influence a decision through oral or written communication or an attempt to obtain the goodwill of any county commissioner, any member of a local municipal governing body, any mayor or chief executive officer that is not a member of a local municipal governing body, any advisory board member, or any employee with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to the advisory board, the board of county commissioners, or the local municipal governing body lobbied as applicable.

Lobbyist shall mean any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal responsibility to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government.

"Lobbyist" shall not include:

(1) Any employee, contract employee, or independent contractor of a governmental agency or entity lobbying on behalf of that agency or entity, any elected local official when the official is lobbying on behalf of the governmental agency or entity which the official serves, or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency or entity by which the staff member is employed.

(2) Any person who is retained or employed for the purpose of representing an employer, principal or client only during a publicly noticed quasi-judicial hearing or comprehensive plan hearing, provided the person identifies the employer, principal or client at the hearing.

(3) Any expert witness who is retained or employed by an employer, principal or client to provide only scientific, technical or other specialized information provided in agenda materials or testimony only in public hearings, so long as the expert identifies the employer, principal or client at the hearing.

(4) Any person who lobbies only in his or her individual capacity for the purpose of self-representation and without compensation.

(5) Any employee, contract employee, or independent contractor of the Palm Beach County League of Cities, Inc., lobbying on behalf of that entity.

Official or *employee* means any official or employee of the county or the municipalities located within the county, whether paid or unpaid. The term "employee" includes but is not limited to all managers, department heads and personnel of the county or the municipalities located within the county. The term also includes contract personnel and contract administrators performing a government function, and chief executive officer who is not part of the local governing body. The term "official" shall mean members of the board of county commissioners, a mayor, members of local municipal governing bodies, and members appointed by the board of county commissioners, members of local municipal governing bodies or mayors or chief executive officers that are not members of local municipal governing body, as applicable, to serve on any advisory, quasi judicial, or any other board of the county, state, or any other regional, local, municipal, or corporate entity.

Outside employer or business includes:

(1) Any entity, other than the county, the state, or any other federal, regional, local, or municipal government entity, of which the official or employee is a member, official, director, proprietor, partner, or employee, and from which he or she receives compensation for services rendered or goods sold or produced. For purposes of this definition, "compensation" does not include reimbursement for necessary expenses, including travel expenses; or

(2) Any entity located in the county or which does business with or is regulated by the county or municipality as applicable, in which the official or employee has an ownership interest. For purposes of this definition, an "ownership interest" shall mean at least five (5) percent of the total assets or common stock owned by the official or employee or any combination of the official or employee's household members, spouse, child, step-child, brother, sister, parent or step-parent, or a person claimed as a dependent on the official or employee's latest individual federal tax return.

(3)

the term outside employer or business shall not apply to an employee who is employed by a certified bargaining agent solely to represent employees.

Palm Beach County Commission on Ethics means the commission established in section 2-254 et seq. to administer and enforce the ethics regulations set forth herein, and may also be referred to as the "commission on ethics" in this article.

Persons and entities shall be defined to include all natural persons, firms, associations, joint ventures, partnerships, estates, trusts, business entities, syndicates, fiduciaries, corporations, and all other organizations.

Relative unless otherwise specified in this article, means an individual who is related to an official or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the official or employee or who otherwise holds himself or herself out as or is generally known as the person whom the official or employee intends to marry or with whom the official or employee intends to form a household, or any other natural person having the same legal residence as the official or employee.

Transaction shall refer to the purchase or sale by the county or municipality of goods or services for a consideration.

Vendor means any person or entity who has a pending bid proposal, an offer or request to sell goods or services, sell or lease real or personal property, or who currently sells goods or services, or sells or leases real or personal property, to the county or municipality involved in the subject contract or transaction as applicable. For the purposes of this definition a vendor entity includes an owner, director, manager or employee.

(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11)

Sec. 2-443. - Prohibited conduct.

(a)

Misuse of public office or employment. An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:

(1) Himself or herself;

(2) His or her spouse or domestic partner, household member or persons claimed as dependents on the official or employee's latest individual federal income tax return, or the employer or business of any of these people;

(3) A sibling or step-sibling, child or step-child, parent or step-parent, niece or nephew, uncle or aunt, or grandparent or grandchild of either himself or herself, or of his or her spouse or domestic partner, or the employer or business of any of these people;

(4) An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;

(5) A customer or client of the official or employee's outside employer or business;

(6) A substantial debtor or creditor of his or hers, or of his or her spouse or domestic partner—"substantial" for these purposes shall mean at least ten thousand dollars ($10,000.00) and shall not include forms of indebtedness, such as a mortgage and note, or a loan between the official or employee and a financial institution;

(7) A civic group, union, social, charitable, or religious organization, or other not for profit organization of which he or she (or his or her spouse or domestic partner) is an officer or director.

(b) *Corrupt misuse of official position.* An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "corruptly" means done with a wrongful intent and for the purpose of obtaining, or

compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.

(c) *Disclosure of voting conflicts.* County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above. The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, § 112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics. Officials who abstain and disclose a voting conflict as set forth herein, shall not be in violation of subsection (a), provided the official does not otherwise use his or her office to take or fail to take any action, or influence others to take or fail to take any action, in any other manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, as set forth in subsections (a)(1) through (7).

(d) *Contractual relationships.* No official or employee shall enter into any contract or other transaction for goods or services with their respective county or municipality. This prohibition extends to all contracts or transactions between the county or municipality as applicable or any person, agency or entity acting for the county or municipality as applicable, and the official or employee, directly or indirectly, or the official or employee's outside employer or business. Any such contract, agreement, or business arrangement entered into in violation of this subsection may be rescinded or declared void by the board of county commissioners pursuant to section 2-448(c) or by the local municipal governing body pursuant to local ordinance as applicable. This prohibition shall not apply to employees who enter into contracts with Palm Beach County or a municipality as part of their official duties with the county or that municipality. This prohibition also shall not apply to officials or employees who purchase goods from the county or municipality on the same terms available to all members of the public. This prohibition shall also not apply to advisory board members provided the subject contract or transaction is disclosed at a duly noticed public meeting of the governing body and the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction.

(e) *Exceptions and waiver.* The requirements of subsection (d) above may be waived as it pertains to advisory board members where the advisory board member's board is purely advisory and provides regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction. No waiver shall be allowed where the advisory board member's board is not purely advisory and provides regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction. Waiver may be effected by the board of county commissioners or by the local municipal governing body as applicable upon full disclosure of the contract or transaction prior to the waiver and an affirmative vote of a majority plus one (1) of the total membership of the board of county commissioners or the local municipal governing body as applicable. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after full disclosure of the contract or transaction at a public hearing, by the appointing person. In addition, no official or employee shall be held in violation of subsection (d) if:

(1) The business is awarded under a system of sealed, competitive bidding to the lowest bidder and:

a. The official or employee or member of his or her household has in no way participated in the determination of the bid specifications or the determination of the lowest bidder;

b. The official or employee or member of his or her household has in no way used or attempted to use the official or employee's influence to persuade the agency, governmental entity or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

c. The official or employee, prior to or at the time of the submission of the bid, has filed a statement with the supervisor of elections and the commission on ethics, disclosing the nature of the interest in the outside employer or business submitting the bid.

(2) An emergency purchase or contract which would otherwise violate a provision of subsection (d) must be made in order to protect the health, safety, or welfare of the citizens of the county or municipality as applicable.

(3)

The outside employer or business involved is the only source of supply within the county or municipality as applicable and there is full disclosure by the official or employee of his or her interest in the outside employer or business to the county or municipality as applicable and the ethics commission prior to the purchase, rental, sale, leasing, or other business being transacted.

(4) The total amount of the contracts or transactions in the aggregate between the outside employer or business and the county or municipality as applicable does not exceed five hundred dollars ($500.00) per calendar year.

(5) Notwithstanding any provision to the contrary, subsection (d) shall not be construed to prevent an employee from seeking part-time employment with an outside employer who has entered into a contract for goods or services with the county or municipality as applicable provided that:

a. The employee or relative of the employee does not work in the county or municipal department as applicable which will enforce, oversee or administer the subject contract; and

b. The outside employment would not interfere with or otherwise impair his or her independence of judgment or otherwise interfere with the full and faithful performance of his or her public duties to the county or municipality as applicable; and

c. The employee or relative of the employee has not participated in determining the subject contract requirements or awarding the contract; and

d. The employee's job responsibilities and job description will not require him or her to be involved in the outside employer's contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance; and

e. The employee demonstrates compliance with applicable merit rules regarding outside employment and obtains written permission from his or her supervisor; and

f.

The employee has obtained a conflict of interest waiver from the chief administrative officer and the employee's department head of the county or municipality based on a finding that no conflict exists. The employee shall submit the request for waiver in writing and under oath. The request for the waiver shall be signed by the employee under oath or affirmation on an approved form provided by the commission on ethics. The document shall contain written acknowledgment of compliance with the provisions of subsection (5) a. through (5)e. of this subsection, together with such pertinent facts and relevant documents that support such waiver. A waiver under this subsection must be approved by both the employee's supervisor and chief administrative officer of the county or municipality. The county or municipality shall record such waiver in the employee's personnel file and shall submit a copy of the waiver and all related documents to the commission on ethics. The commission on ethics in its discretion may elect to review, comment on, or investigate any waiver. The commission on ethics review or investigation shall not delay an employee's ability to take the part time employment.

g. *Official law enforcement overtime or extra duty details.* The provisions of subsection (d) shall be waived for outside employment when that employment consists of a certified police agency uniformed external security or extra duty detail, contracted or administered by the police agency as applicable. For the purpose of this subsection, all records of external, extra duty or overtime security details, including supervisor approval, identity of contracting parties, and including time, date and manner of detail shall be maintained by the individual contracting or administrating police agency, records of which shall be accessible to the public subject to state public records disclosure exemptions.

(f) *Accepting travel expenses.* No official or employee shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any county or municipal contractor, vendor, service provider, bidder or proposer as applicable. The board of county commissioners or local municipal governing body as applicable may waive the requirements of this subsection by a majority vote of the board or local municipal

governing body. The provisions of this subsection shall not apply to travel expenses paid by other governmental entities or by organizations of which the county or municipality as applicable is a member if the travel is related to that membership.

(g) *Contingent fee prohibition.* No person shall, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person shall, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: an ordinance, resolution, action or decision of the board of county commissioners or local municipal governing body as applicable, any employee authorized to act on behalf of the board of county commissioners or local municipal governing body as applicable, the county administrator or municipal administrator as applicable, or any action or decision of an advisory board or committee. This prohibition does not apply to real estate brokers when acting in the course of their profession as regulated by Florida Statutes, §§ 475.001—475.5018, as may be amended. Nothing in this section may be construed to prohibit any salesperson from engaging in legitimate government business on behalf of a company from receiving compensation or commission as part of a bona fide contractual arrangement with that company provided such compensation or commission is ordinary and customary in the industry. Nothing in this section may be construed to prohibit an attorney from representing a client in a judicial proceeding or formal administrative hearing pursuant to a contingent fee arrangement.

(h) *Honesty in applications for positions.* No person seeking to become an official or employee, or seeking to enter into a contract to provide goods or services to the county or municipality as applicable, may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by or services to the county or municipality as applicable.

(i) *Disclosure or use of certain information.* A current or former official or employee shall not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person.

(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11)

Sec. 2-445. - Anti-nepotism law.

An official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement in or to a position in the County or municipality as applicable in which the official is serving or over which the official exercises jurisdiction or control, any individual who is a relative or domestic partner of the official. An individual may not be appointed, employed, promoted, or advanced in or to a position in the County or a municipality if such appointment, employment, promotion, or advancement has been advocated by an official, serving in or exercising jurisdiction or control over the County or municipality as appropriate, who is a relative or domestic partner of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative or domestic partner of the individual is a member. However, this section shall not apply to appointments to boards other than those with land-planning or zoning responsibilities in those municipalities with less than thirty-five thousand (35,000) population. This section does not apply to persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services. Such persons may receive, without losing their volunteer status, reimbursements for the costs of any training they get relating to the provision of volunteer emergency medical, firefighting, or police services and payment for any incidental expenses relating to those services that they provide. Mere approval of budgets shall not be sufficient to constitute "jurisdiction or control" for the purposes of this section.

(1) For the purposes of this section, "official" means any official or employee in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in the County or municipality as applicable.

(2) For the purposes of this section, "relative" means spouse, parent, child, sibling, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11)

Sec. 2-446. - Ethics training.

(a) Officials and employees, as public servants, are considered stewards of the public trust and should aspire to the highest level of integrity and character. Officials and employees shall be informed of their ethical responsibilities at the start of their public service, and shall receive updates and training materials on ethics issues throughout the span of their public service. The County Administrator or municipal administrator as applicable shall establish by policy a mandatory training schedule for all officials and employees which shall include mandatory periodic follow-up sessions. This policy may also address ethics training for entities that receive County or municipal funds as applicable.

(b) The Commission on Ethics shall develop and deliver, or contract with other entities to develop and deliver, training programs. The Commission on Ethics shall coordinate and cooperate with all affected County or municipal entities, departments, agencies, boards, councils and commissions to ensure that effective and meaningful training experiences are delivered in a timely and efficient manner.

(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11)

Sec. 2-447. - Noninterference.

It shall be a violation of this article for any person: (a) to retaliate against, punish, threaten, harass, or penalize any person for communicating, cooperating with, or assisting the Commission on Ethics or the inspector general; or (b) to interfere, obstruct or attempt to interfere or obstruct without valid legal basis any investigation conducted by the Commission on Ethics or the Inspector General.

(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11)

Sec. 2-448. - Administration, enforcement and penalties.

(a) The Commission on Ethics shall be empowered to review, interpret, render advisory opinions, and enforce this code of ethics pursuant to the procedures established in the County Commission on Ethics Ordinance. Jurisdiction of the Commission on Ethics with respect to advisory opinions rendered shall extend to all County and municipal officials and employees, and all other persons and entities required to comply with the provisions of this code and the County Lobbyist Registration Ordinance, including but not limited to lobbyists, their employers and principals, and contractors and vendors.

(b) A finding by the Commission on Ethics of a violation of any part of this article shall subject the person or entity to public reprimand, a fine of up to five hundred dollars ($500.00), or both. The Commission on Ethics may also order the person or entity to pay restitution when the person or entity or a third party has received a pecuniary benefit as a result of the person's violation.

(c) Upon a finding of the Commission on Ethics that a violation of this article or the lobbyist registration ordinance resulted in a contract, grant, subsidy, license, permit, franchise, use, certificate, development order or other benefit conferred by the County or municipality as applicable, then such contract, grant, subsidy, license, permit, franchise, use, certificate, development order or other benefit may be rescinded or declared void by the Board of County Commissioners or the local municipal governing body as applicable.

(d) The Commission on Ethics may in its discretion refer willful violations of sections 2-443, 2-444(a), 2-444(b), 2-444(c), 2-444(e), or 2-447 to the State Attorney. Pursuant to Florida Statutes, § 125.69, a person who violates the sections of the article set forth in this section 2-448(d) shall be subject to prosecution in the name of the state in the same manner as first degree misdemeanors are prosecuted, and upon conviction, such person shall be punished by a fine not to exceed one thousand dollars ($1,000.00), imprisonment not to exceed one (1) year, or both.

(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11)

Sec. 2-444. - Gift law.

(a) (1) No county commissioner, member of a local governing body, mayor or chief executive when not a member of the governing body, or employee, or any other person or business entity on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars ($100.00) in the aggregate for the calendar year from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lobbyist or any principal or employer of a lobbyist who lobbies, sells or leases to the county or municipality as applicable.

(2) No vendor, lobbyist, or principal or employer of a lobbyist that lobbies the county or a municipality shall knowingly give, directly or indirectly, any gift with a value greater than one hundred dollars ($100.00) in the aggregate for the calendar year to a person who the vendor, lobbyist, or principal knows is an official or employee of that county or municipality. For the purposes of this subsection (a)(2), the term vendor also includes any person or entity that, because of the nature of their business, may respond to an invitation to bid, request for proposal or other procurement opportunity that has been published by the county or a municipality.

(b) (1) No advisory board member, or any other person on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars ($100.00) in the aggregate for the calendar year from any vendor, lobbyist, or any principal or employer of a lobbyist, who lobbies the recipient's advisory board, or any county or municipal department as applicable that is subject in any way to the advisory board's authority, influence or advice.

(2) No vendor, lobbyist, or principal or employer of a lobbyist who lobbies an advisory board or any county or municipal department that is subject in any way to the advisory board's authority, influence or advice, shall knowingly give, directly or indirectly, any gift with a value greater than one hundred dollars ($100.00) in the aggregate for the calendar year to a person who the vendor, lobbyist, or principal knows is a member of that advisory board. For the purposes of this subsection (b)(2), the term vendor also includes any person or entity that, because of the nature of their

business, may respond to an invitation to bid, request for proposal or other procurement opportunity that has been published by the county or a municipality.

(c) No county commissioner, member of a local governing body, mayor or chief executive officer when not a member of the governing body, or employee, or any other person or business entity on his or her behalf, shall knowingly solicit a gift of any value from any person or business entity that the recipient knows is a vendor, lobbyist or any principal or employer of a lobbyist where the gift is for the personal benefit of the official or employee, another official or employee, or any relative or household member of the official or employee. No advisory board member or any other person or business entity on his or her behalf, shall knowingly solicit a gift of any value from any person or business entity that the recipient knows is a vendor, lobbyist or any principal or employer of a lobbyist who lobbies the recipient's advisory board, or any county or municipal department as applicable that is subject in any way to the advisory board's authority, influence or advice, where the gift is for the personal benefit of the advisory board member, another advisory board member, or an official, or any relative or household member of the official or employee.

(d) For purposes of this section, a principal or employer of a lobbyist shall include any officer, partner or director of the principal or employer entity, or any employee of a principal or employer who is not an officer, partner or director, provided that the employee knows or should know with the exercise of reasonable care that the principal or employer employs a lobbyist.

(e) No person or entity shall offer, give, or agree to give an official or employee a gift, and no official or employee shall accept or agree to accept a gift from a person or entity, because of:

(1) An official public action taken or to be taken, or which could be taken;

(2) A legal duty performed or to be performed or which could be performed; or

(3) A legal duty violated or to be violated, or which could be violated by any official or employee.

(f) Gift reports. Any official or employee who receives a gift in excess of one hundred dollars ($100.00) shall report that gift in accordance with this section.

(1)

Gift reports for officials and employees indentified by state law as reporting individuals. Those persons required to report gifts pursuant to state law shall report those gifts in the manner provided by F.S. § 112.3148, as may be amended. When a state reporting individual files a gift report with the state, a copy of each report shall also be filed contemporaneously with the County Commission on Ethics.

(2) *All other officials and employees who are not reporting individuals under state law.*

a. *Personal gifts.* All officials and employees who are not reporting individuals under state law are not required to report gifts in excess of one hundred dollars ($100.00) so long as those gifts are given to the official or employee by a personal friend or co-worker and the circumstances demonstrate that the motivation for the gift was the personal or social relationship rather than an attempt to obtain the goodwill or otherwise influence the official or employee in the performance of his or her official duties. Factors to be considered in determining whether a gift was motivated by a personal or social relationship may include but shall not be limited to: whether the relationship began before or after the official or employee obtained his or her office or position; the prior history of gift giving between the individuals; whether the gift was given in connection with a holiday or other special occasion; whether the donor personally paid for the gift or sought a tax deduction or business reimbursement; and whether the donor gave similar gifts to other officials or employees at or near the same time. If the personal friend or co-worker is a vendor, lobbyist or principal or employer of a lobbyist that lobbies the County or municipality as applicable, then the official or employee shall not accept a gift in excess of one hundred dollars ($100.00) in accordance with subsections (a)(1) and (b)(1).

b. *All other gifts.* All officials or employees who are not reporting individuals under state law and who receive any gift in excess of one hundred dollars ($100.00), which is not otherwise excluded or prohibited pursuant to this subsection, shall complete and submit an annual gift disclosure report with the County Commission on Ethics

no later than November 1 of each year beginning November 1, 2011, for the period ending September 30 of each year. All officials or employees who are not reporting individuals under state law and who do not receive a gift in excess of one hundred dollars ($100.00) during a given reporting period shall not file an annual gift disclosure report. The annual gift disclosure report shall be created by the County Commission on Ethics and shall be in a form substantially similar in content as that required by state law.

(g) For the purposes of this section, "gift" shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise, or in any other form, without adequate and lawful consideration. Food and beverages consumed at a single setting or a meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift. In determining the value of the gift, the recipient of the gift may consult, among other sources, Florida Statutes, § 112.3148, and the Florida Administrative Code as may be amended.

(1) Exceptions. The provisions of subsection (g) shall not apply to:

a. Political contributions specifically authorized by state or federal law;

b. Gifts from relatives, domestic partners, and dependents named on the official's or employee's latest federal income tax return, or one's household member;

c. Awards for professional or civic achievement;

d. Materials such as books, reports, periodicals or pamphlets which are solely informational or of an advertising nature;

e. Gifts solicited or accepted by County or municipal officials or employees as applicable on behalf of the County or municipality in performance of their official duties for use solely by the County or municipality for a public purpose;

f. Publicly advertised offers for goods or services from a vendor under the same terms and conditions as are offered or made available to the general public;

g. Inheritance or other devise;

h.

Registration fees and other related costs associated with educational or governmental conferences, meetings or seminars and travel expenses either properly waived or inapplicable pursuant to section 2-443(f), provided that attendance is for governmental purposes, and attendance is related to their duties and responsibilities as an official or employee of the County or municipality;

i. A ticket, pass or admission in connection with public events, appearances or ceremonies related to official County or municipal business, if furnished by a nonprofit sponsor organization of such public event, or if furnished pursuant to a contract between the event's non-profit sponsor and the County or municipality as applicable, provided the sponsor organization does not employ a lobbyist, and further provided the ticket, pass or admission is given by a representative of the sponsor organization who is not otherwise a vendor, lobbyist, principal or employer of a lobbyist. Notwithstanding the exception as provided in this subsection, the ticket, pass or admission must be disclosed in accordance with the gift law reporting requirements of subsections (f)(1) and (f)(2);

j. Expenditures made in connection with an event sponsored by a nonprofit organization funded in whole or in part with public funds whose primary function is to encourage and attract tourism or other business opportunities for the benefit of Palm Beach County or the municipalities as applicable, provided the sponsor organization does not employ a lobbyist, and further provided that the invitation to the event is made by a representative of the sponsor organization and the representative is not otherwise a vendor, lobbyist, principal or employer of a lobbyist. Notwithstanding the exception as provided in this subsection, the expenditure must be disclosed in accordance with the gift law reporting requirements of subsections (f)(1) and (f)(2).

(h) Solicitation of contributions on behalf of a non-profit charitable organization.

(1) Notwithstanding the prohibition on gifts as outlined in subsections (a) and (b), the solicitation of funds by a County or municipal official or employee for a non-profit charitable organization, as defined under the Internal

Revenue Code, is permissible so long as there is no quid pro quo or other special consideration, including any direct or indirect special financial benefit to the official or employee or to the person or entity being solicited. The solicitation by an official or employee as contemplated herein, is expressly prohibited if made to any person or entity with a pending application for approval or award of any nature before the County or municipality as applicable.

(2) To promote the full and complete transparency of any such solicitation, officials and employees shall disclose, on a form provided by the Commission on Ethics, the name of the charitable organization, the event for which the funds were solicited, the name of any person or entity that was contacted regarding a solicitation or pledge by the official or employee, and the amount of the funds solicited or pledged if known. The form shall be completed legibly and shall be filed with the Commission on Ethics. The form shall be filed within thirty (30) days from the occurrence of the event for which the solicitation was made, or if no event, within thirty (30) days from the occurrence of the solicitation.

(3) Officials and employees may not use County or municipal staff or other County or municipal resources in the solicitation of charitable contributions described in this subsection.

(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11; Ord. No. 2015-033 , pt. 1, 9-22-15)

DIVISION 2. - POST-EMPLOYMENT ETHICS[10]

Sec. 2-141. - Short title.

This division shall be known and may be cited as the Palm Beach County Post-Employment Ethics Ordinance.

(Ord. No. 88-30, § 1, 11-15-88)

Sec. 2-142. - Definitions.

For purposes of this division, the following definitions shall apply:

(1) *County commissioner* means any county commissioner of Palm Beach County.

(2) *Level 1 employee* means all individuals employed by the board of county commissioners in the position of:

a. County administrator;

b. County attorney;

c. Internal auditor;

d. Fire rescue administrator;

e. County engineer;

f. Deputy county administrator;

g. Chief deputy county attorney;

h. Deputy county engineer; and

i. Director of planning, building and zoning.

(3) *Level 2 employee* means:

a. Assistant county administrators;

b. Assistant county attorneys;

c. Department heads;

d. Assistant department heads;

e. Division heads;

f. Auditors (within internal audit department; and

g. Deputy fire chiefs.

(4) *Represent* or *representation* means actual physical attendance on behalf of an individual or entity, for compensation, at a proceeding before the Board of County Commissioners in any of their official capacities or before an advisory body of the Board of County Commissioners or personal communications made with any officials, employees, or advisory board members of the County in their official capacity, on behalf of an individual or entity, including the filing of documents or the writing of letters on behalf of said individual or entity.

(5) *Entity* means a sole proprietorship, partnership, limited partnership, corporation (profit or not-for-profit), professional corporation or association, holding company, joint stock company, receivership, trust or any other entity recognized by law through which business may be conducted.

(6) *Ministerial matter* means actions that a person takes in a prescribed manner in obedience to the mandate of legal authority without the exercise of the person's own judgment or discretion as to the property of the action taken.

(7) *Affected person(s)* means all individuals defined in paragraphs (1), (2) and (3) above.

(Ord. No. 88-30, § 2, 11-15-88)

Sec. 2-143. - Prohibited conduct after termination of employment or office with the County.

(a) No former County Commissioner shall knowingly represent anyone other than the County or another public entity in connection with any matter for a period of two (2) years after the cessation of his or her term of office with the County.

(b) No former level 1 employee shall knowingly represent anyone other than the County or another public entity in connection with any matter for a period of six (6) months after the cessation of his or her employment with the County; additionally no level 1 employee shall knowingly represent anyone other than the County or another public entity in connection with any particular matter involving common issues of law and fact in which the County is a party or has an interest and in which the former

employee participated personally, substantially and directly for the county for an additional period of eighteen (18) months (for a total of two (2) years) after the cessation of his or her employment with the County.

(c) No former level 2 employee shall knowingly represent anyone other than the County or another public entity in connection with any matter for a period of six (6) months after the cessation of his or her employment with the County; additionally no former level 2 employee shall knowingly represent anyone other than the County or another public entity in connection with any particular matter involving common issues of laws and fact in which the County is a party or has an interest and in which the employee participated personally, substantially and directly for the county for an additional period of six (6) months (for a total of one (1) year) after the cessation of his or her employment with the County.

(Ord. No. 88-30, § 3, 11-15-88)

Sec. 2-144. - Violation.

Any violation of the provisions of this division shall be punishable as provided by law.

(Ord. No. 88-30, § 4, 11-15-88)

Cross reference— General penalty, § 1-11.

Sec. 2-145. - Exemptions.

(a) Nothing in this division shall prevent an affected person from giving testimony under oath, or from making statements required to be made under penalty of perjury.

(b) Nothing in this division shall apply to appearances or communications by an affected person concerning matters of a personal and individual nature, provided that no compensation is thereby received by the person.

(c) Nothing in this division shall prevent an affected person from appearing before the Board of County Commissioners, advisory boards or county employees on ministerial matters.

(d) Nothing in this division shall prevent an affected person from appearing before the County Commissioners on a matter relating to collective bargaining.

(e)

Nothing in this division shall prevent an affected person from receiving compensation from the County for services performed by the person for the County (such as legal representation or consulting services) pursuant to a contract between the person (or his/her employer) and the County.

(Ord. No. 88-30, § 5, 11-15-88)

Sec. 2-146. - Applicability.

(a) The provisions of this division shall apply to all County Commissioners, the County Attorney, and the County Administrator as of the effective date of this division [November 18, 1988].

(b) The provisions of this division shall not apply to any affected person (except those set forth in (a) above) employed by the County as of the effective date of this division.

(c) The provisions of this division shall apply to all affected persons hired by the County or obtaining office as a County Commissioner from any time after the effective date of this division.

(Ord. No. 88-30, § 6, 11-15-88)

Sec. 3.2. - Prevention of conflict of interest.

The Board of County Commissioners shall take whatever action is necessary on behalf of its residents to ensure that the County government's appointed officials, elected officials and employees abide by the code of ethics as set out in state law and the ethics regulations adopted by the Board of County Commissioners.

(Ord. No. 2010-019, pt. 1, 7-20-10)

Editor's note— Ord. No. 2010-019, adopted July 20, 2010, was approved at an election held Nov. 2, 2010, to become effective Jan. 1, 2011.

Sec. 1.3. - Scope of county ordinances; conflict with municipal ordinances.

Municipal ordinances shall prevail over county ordinances to the extent of any conflict regardless of the time of passage of the municipal ordinance, except that county ordinances shall prevail over conflicting municipal ordinances:

(1) In matters related to the protection of wells and wellfields within the parameters set forth in section 3.3 of this Charter.

(2) In matters related to school, county-owned beaches, county district parks, and county regional parks, solid waste disposal, county law enforcement, county road programs, and county public buildings impact fees; and in matters related to county fire-rescue and county library impact fees in those municipalities whose properties are taxed by the county for library or fire-rescue purposes, respectively. This subsection shall not be construed as preempting or limiting in any way the enactment of municipal impact fee ordinances for those capital facilities provided exclusively by municipalities. The county shall provide a credit toward the payment of county impact fees for properties within those municipalities which provide like capital facilities. This section shall not be construed as a transfer of functions or powers related to municipal services.

(3) For the adoption and amendment of the countywide land use element adopted in accordance with article VII of this Charter, "Countywide Planning Council" [now repealed].

(4) In matters relating to the establishment of levels of service for collector and arterial roads which are not the responsibility of any municipality and the restriction of the issuance of development orders which would add traffic to such roads which have traffic exceeding the adopted level of service provided that such ordinance is adopted and amended by a majority of the board of county commissioners.

(5) In matters related to voluntary annexation.

(6) In matters related to the Ethics Regulation in accordance with Article VIII of this Charter: The Palm Beach County Code of Ethics, Palm Beach County Commission on Ethics and the Office of Inspector General in municipalities

where the charter amendment is approved by a majority of voters in that municipality voting in the referendum as set forth in Sec. 6.3 of this Charter.

(Ord. No. 86-28, § 2, 8-26-86; Ord. No. 86-29, § 2, 8-26-86; Ord. No. 86-30, § 2, 9-9-86; Ord. No. 88-21, § 2, 9-20-88; Ord. No. 88-25, § 2, 9-20-88; Ord. No. 04-021, pt. 1, 8-11-04; Ord. No. 2010-019, pt. 1, 7-20-10)

Editor's note— Ord. Nos. 86-28, 86-29, 86-30 were all approved at an election held Nov. 4, 1986, to become effective Jan. 1, 1987. Each of the ordinances amended § 1.3 in its entirety. For convenience' sake, the editor has retained the introductory language which is the same in each ordinance, and has designated the language which differs in each ordinance as subsection (1) for Ord. No. 86-28, (2) for Ord. No. 86-29, and (3) for Ord. No. 86-30. Ord. No. 88-21 and 88-25 were approved at an election held Nov. 8, 1988, both to become effective Jan. 1, 1989. A proposed amendment by Ord. No. 90-34 was repealed by Ord. No. 91-2, § 2 of which amended this section. Ord. No. 91-2 was, in turn repealed by Ord. No. 91-28, § 2 of which also amended this section. Ord. No. 91-28 was defeated at an election held Mar. 10, 1992. A further amendment to this section proposed by § 3 of Ord. No. 92-1 was defeated at the same Mar. 10, 1992, election. See also art. VII of this Charter. Ord. No. 2010-019, adopted July 20, 2010, was approved at an election held Nov. 2, 2010, to become effective Jan. 1, 2011.

Sec. 2-427. - Procedure for finalization of reports and recommendations which make findings as to the person or entity being reviewed or inspected.

The inspector general shall publish and deliver finalized reports and recommendations to the board or the appropriate municipality, and to the county commission on ethics. Notwithstanding any other provision of this article, whenever the inspector general determines that it is appropriate to publish and deliver a report or recommendation which contains findings as to the person or entity being reported on or who is the subject of the recommendation, the inspector general shall provide the affected person or entity a copy of the findings. Such person or entity, who is the subject of a finding or recommendation resulting from an investigation or review, shall have ten (10) calendar days to submit a written explanation or rebuttal of the findings before the report or recommendation is finalized. In the case of an audit, such person or entity shall have twenty (20) calendar days to submit a written explanation or rebuttal of the audit findings or before the report or recommendation is finalized. The inspector general shall grant reasonable extensions of time for providing a written explanation or rebuttal upon written request. Such timely submitted written explanation or rebuttal shall be attached to the finalized report or recommendation. The requirements of this subsection shall not apply in matters subject to the State of Florida Whistle-blower's Act, or when the inspector general, in conjunction with the state attorney or U.S. Attorney, determines that supplying the affected person or entity with such report will jeopardize a pending criminal investigation.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Sec. 2-424. - Minimum qualifications, selection and term of office.

(1) *Minimum qualifications.* The inspector general shall be a person who:

(a) Has at least ten (10) years of experience in any one (1) or a combination of the following fields:

1. As a federal, state or local law enforcement officer/official;
2. As a federal or state court judge;
3. As a federal, state or local government attorney with expertise in investigating fraud, mismanagement and corruption;
4. As an inspector general, certified public accountant, or internal auditor;
5. As a person with progressive supervisory and managerial experience in an investigative public agency similar to an inspector general's office;

(b) Has managed and completed complex investigations involving allegations of fraud, theft, deception or conspiracy;

(c) Has demonstrated the ability to work with local, state and federal law enforcement agencies and the judiciary;

(d) Has a four-year degree from an accredited institution of higher learning;

(e) Has not been employed by the county, any municipality or any other governmental entity subject to the authority of the inspector general office during the two-year period immediately prior to selection, unless such employment has been with the Office of Inspector General, Palm Beach County, Florida.

(f) Highly qualified candidates will also have audit-related skills and/or hold one (1) or more of the following professional certifications at the time of selection: certified inspector general (CIG), certified inspector general investigator (CIGI), certified inspector general auditor (CIGA), certified public accountant (CPA), certified internal auditor (CIA), or certified fraud examiner (CFE).

(2) *Selection.* No official or employee of any governmental entity subject to the authority of the office of inspector general shall participate on the inspector general committee. Responsibility for selecting the inspector general shall be vested solely with the inspector general committee. The inspector general committee shall be comprised of

the commission on ethics as established in section 2-254 et seq. of this Code, the state attorney for the Fifteenth Judicial Circuit or his or her designee, and the public defender for the Fifteenth Judicial Circuit or his or her designee. The chairperson of the inspector general committee shall be chairperson of the commission on ethics. After thoroughly reviewing qualifications, background information, and personal and professional referrals, the inspector general committee shall notify the county attorney of its selection. The county attorney shall promptly notify the board that a selection has been made.

(3) *Staffing of inspector general committee.* The county human resources department shall provide staff to the inspector general committee and as necessary will advertise the acceptance of resumes for the position of inspector general. All resumes received by the human resources department will be forwarded to the inspector general committee for consideration. The human resources department shall contract with an appropriate entity to ensure that background checks are conducted on the candidates selected for interview by the inspector general committee. The results of the background checks shall be provided to the inspector general committee prior to the interview of candidates. Following the initial selection of the inspector general, the inspector general committee, for future selection processes as described in subsection (2) above, may continue to employ the services of the human resources department or may utilize its own staff to solicit candidates for inspector general. All advertisements for the acceptance of resumes for inspector general shall include a salary range commensurate with public officials of like experience and expertise.

(4) *Term.* The inspector general shall serve for a term of four (4) years. At least six (6) months prior to the end of each contract term, the inspector general committee will determine whether or not to renew the contract for an additional term of four (4) years, and shall promptly notify the inspector general of its decision. In the event the inspector general committee elects not to renew the contract, the inspector general committee shall promptly convene as necessary to solicit candidates for and to select a new inspector general in the same manner as described in subsection (2) above. The incumbent inspector general may submit his or her name as a candidate to be considered for selection. The incumbent inspector general shall serve until a successor is selected and assumes office.

(5)

Vacancy. In case of a vacancy in the position of inspector general, the inspector general committee may appoint a member of the inspector general's office as interim inspector general within ten (10) days of the vacancy occurring, until such time as a successor inspector general is selected and assumes office. A successor inspector general shall be selected in the same manner as described in subsection (2) above, except for the following specific time constraints: (a) solicitation for qualified candidates for selection should be published within twenty (20) days, but no later than forty (40) days of the date the vacancy occurs; and (b) the inspector general committee must in good faith endeavor to convene and select an inspector general within ninety (90) days of the date the vacancy occurs.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Sec. 2-425. - Contract.

A designee from the commission on ethics, with the assistance of the county's human resources department and the county attorney's office, shall negotiate a contract of employment with the inspector general substantially consistent with the terms included in contracts of other contractual employees of the county. For the purposes of contract negotiations, such designation by the commission on ethics shall not be deemed a delegation of the commission on ethics' decision making authority. The inspector general shall be paid at a rate commensurate with public officials of like experience and expertise. Before any contract shall become effective, the contract must be approved by a majority of the board present at a regularly scheduled board meeting. The contract will cover the entire four-year term subject to the removal provisions in section 2-430. The contract will include a provision requiring the inspector general committee to provide notice of its decision to renew or not to renew the contract at least six (6) months prior to the termination of the contract. The contract shall provide that the inspector general may not represent a political party or be on any executive committee thereof, or seek public office during his or her term of service, and shall not seek public office or employment with any public entity subject to the jurisdiction of the inspector general for four (4) years thereafter. That limitation does not include seeking selection as inspector general for a subsequent term. The contract shall further provide that the inspector general may not be a lobbyist, as defined in section 2-352 of this Code, for two (2) years after term of service.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

Sec. 2-430. - Removal.

The inspector general may be removed only for cause based upon specified charges of the following: neglect of duty, abuse of power or authority, discrimination, or ethical misconduct. The removal process shall be initiated at a duly noticed public hearing of either the board, the inspector general committee, or a funding entity as described in section 2-423(9). An affirmative vote of five (5) members of the board, an affirmative vote of five (5) members of the inspector general committee, or an affirmative supermajority vote of a funding entity shall be required to present the inspector general with the charges and to proceed to final public hearings. The board, inspector general committee, or the initiating funding entity, as appropriate, shall transmit a copy of the charges to the inspector general at least sixty (60) days prior to all final public hearings which shall be convened by the board, all funding entities, and the inspector general committee. The inspector general shall have an opportunity to be heard in person and by counsel at the final public hearings prior to the votes being taken on his or her removal. The inspector general may only be removed upon the affirmative vote of five (5) members of the board, five (5) members of the inspector general committee, and a supermajority of all funding entities. A record of the proceedings, together with the charges and findings thereon, shall be filed with the clerk to the board. The inspector general shall be removed without a public hearing in the event the inspector general is convicted of or enters a guilty plea or *nolo contendere* plea to a state or federal felony. Based upon specified charges of neglect of duty, abuse of power or authority, discrimination, or ethical misconduct, one (1) or more municipalities may file a petition for removal with the general counsel for the office of inspector general. A petition for removal must be duly authorized as a resolution outlining the specific charges and passed by a majority plus one (1) of the governing body. The petition for removal shall be transmitted to the inspector general committee with a copy to the general counsel of the inspector general. The inspector general committee shall decide whether to initiate the removal process or dismiss based on the petition. The inspector general committee may investigate the allegations contained in the petition before deciding whether to initiate the removal process. If the inspector general committee initiates the removal process, the municipality or municipalities making the petition for removal shall have the opportunity to be heard at the final public hearings prior to the votes being taken.

(Ord. No. 2011-009, § 1(Exh. 1), 5-17-11)

PASCO COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

PASCO COUNTY CODE OF ETHICS:

The Code of Ethics for Pasco County are the statutory provisions of Chapter 112, Florida Statutes.

PINELLAS COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

PINELLAS COUNTY CODE OF ETHICS:

See the enclosed adopted ordinance and the Pinellas County Statement of Ethics.

DIVISION 4. - CONFLICT OF INTEREST[6]

Sec. 2-85. - Florida Code of Ethics.

The Florida Code of Ethics for Public Officers and Employees set forth in F.S. ch. 112, pt. III shall have full effect upon all employees and officeholders under Pinellas County's Charter Government.

(Ord. No. 98-17, § 1, 1-27-98; Ord. No. 14-42, § 1, 10-21-14)

Sec. 2-86. - Additional restrictions related to voting conflicts.

(a) The following terms and phrases shall have the meanings ascribed to them when used in this section:

Appointed board member means any non-elected person appointed to an advisory or quasi-judicial board created by the board of county commissioners.

Conflict form means the State of Florida Commission on Ethics Conflict Form 8B, or any successor form promulgated by the commission on ethics for disclosure of voting conflicts.

Participate means any attempt to influence a decision by oral or written communication, whether made by the appointed board member or at such member's direction.

Relative means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(b) No appointed board member shall vote upon or participate in any matter that would inure to his or her special private gain or loss; that he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained, or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or that he or she knows would inure to the special private gain or loss of a relative or business associate of the board member. Such board member shall, prior to the vote being taken or any discussion being had on the matter, disclose the conflict by publicly stating to the assembly the nature of the board member's interest in the matter from which he or she is abstaining from voting and participating. Such board member shall complete and file with the person responsible for recording the minutes for the meeting a conflict form, which shall be incorporated into the minutes. The conflict form shall be filed at or before the meeting at which the vote is to be

taken. In the event that disclosure has not been made prior to the meeting, or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known a conflict exists and the conflict form shall be filed within seven calendar days, as set forth herein.

(c) Any elected official appointed to an advisory board created by the board of county commissioners as an additional duty to his or her existing office shall abide by the Florida Code of Ethics for Public Officers and Employees.

(d) This section shall not be construed to authorize or permit any conduct or activity that is in violation of the Florida Code of Ethics, and shall be deemed additional and supplemental thereto.

(Ord. No. 14-42, § 1, 10-21-14)

Sec. 2-87. - Penalty for violation.

The penalty for violation of the Florida Code of Ethics shall be as provided by general law. The board of county commissioners may, by resolution, provide for procedures by which a covered public official or employee may be removed from office for violation of the abovementioned Florida Code of Ethics.

(Ord. No. 98-17, § 1, 1-27-98; Ord. No. 14-42, § 1, 10-21-14)

Sec. 2-88. - Regulation of former employees.

In addition to the restrictions in the Code of Ethics for Public Officers and Employees found in the Florida Statutes, the following restrictions shall apply to the Pinellas County Administrator and his or her former employees:

> Post employment restrictions. For a period of one year following separation from service, regardless of the reason or cause of such separation, no former county employee holding a position designated for Equal Employment Opportunity reporting in the Officials and Administrators Category in the last EEO report filed prior to such employee's separation shall personally represent another person or entity for compensation before board of county commissioners or any of its divisions, departments, agencies or boards. This restriction does not apply to representation for the purposes of collective bargaining.

(Ord. No. 11-38, § 1, 9-27-11; Ord. No. 14-26, § 1, 6-3-14)

Secs. 2-89—2-100. - Reserved.

PINELLAS COUNTY STATEMENT OF ETHICS

We, the employees of Pinellas County, as providers of public service; and, in order to inspire confidence and trust, are committed to the highest standards of personal integrity, honesty and competence.

To This End We Will

Provide open and accessible government, giving courteous, responsive service to all citizens equally.

Accept only authorized compensation for the performance of our duties and respectfully decline any offers of gifts or gratuities from those with whom we do business.

Disclose or report any actual or perceived conflicts of interest.

Comply with all laws and regulations applicable to the County and impartially apply them to everyone.

Neither apply nor accept improper influences, favoritism and personal bias.

Use County funds and resources efficiently, including materials, equipment and our time.

Respect and protect the privileged information to which we have access in the course of our duties, never using it to stir controversy, to harm others or for private gain.

Recognizing that government must serve the best interests of all citizens, we stand as representatives of responsible government, acting at all times to merit public confidence in ourselves and Pinellas County.

Pinellas County

POLK COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

POLK COUNTY CODE OF ETHICS:

See the enclosed adopted Code of Ethics for County Officials and Employees.

Code of Ethics for County Officials and Employees

Preamble

The Polk County Board of County Commissioners (BoCC) is committed to the highest standards of conduct by and among county commissioners and employees in the performance of their public duties. Individual and collective adherence to high ethical standard by public officials is central to the maintenance of public trust and confidence in government.

While county officials and employees agree on the need for proper conduct, some may experience personal conflict or differing views of values or loyalties.

In such cases, the principles contained in the Code of Ethics provide valuable guidance in reaching decisions, which are governed, ultimately, by the dictates of the individual conscience of the public official or employee and their commitment to the common good.

The Code of Ethics applies to the day-to-day conduct of elected and appointed officials and employees of county government.

Polk County officials and employees recognize that this Code of Ethics will serve as a valuable reference guide for all those in whom the public has placed its trust.

Code of Ethics for Polk County Commissioners, Appointed Officials and Employees

County officials and employees will:

- Accept the responsibility that their main mission is that of a steward to the public.
- Properly administer the affairs of the county with integrity.
- Promote decisions that only benefit the public interest.
- Actively promote public confidence in county government.
- Keep safe all resources and properties of the county.
- Conduct and perform their duties diligently and promptly attend to the business of the county.
- Maintain a transparent and positive image to pass constant public scrutiny.
- Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- Inject professionalism and high ethical standards into everyday dealing with the public, employees and other governmental agencies.
- Effectively and efficiently, work with governmental agencies, political subdivisions and other organizations to further the interest of the county.
- Faithfully comply with all laws and regulations applicable to the county.

County commissioners, appointed officials and employees should not:

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence or attempt to influence other officials or employees to take action for their own benefit.
- Accept anything of value from any source that is offered to influence his or her action as a public official or employee.

PUTNAM COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

PUTNAM COUNTY CODE OF ETHICS:

The Code of Ethics for Putnam County are the statutory provisions of Chapter 112, Florida Statutes.

SANTA ROSA COUNTY

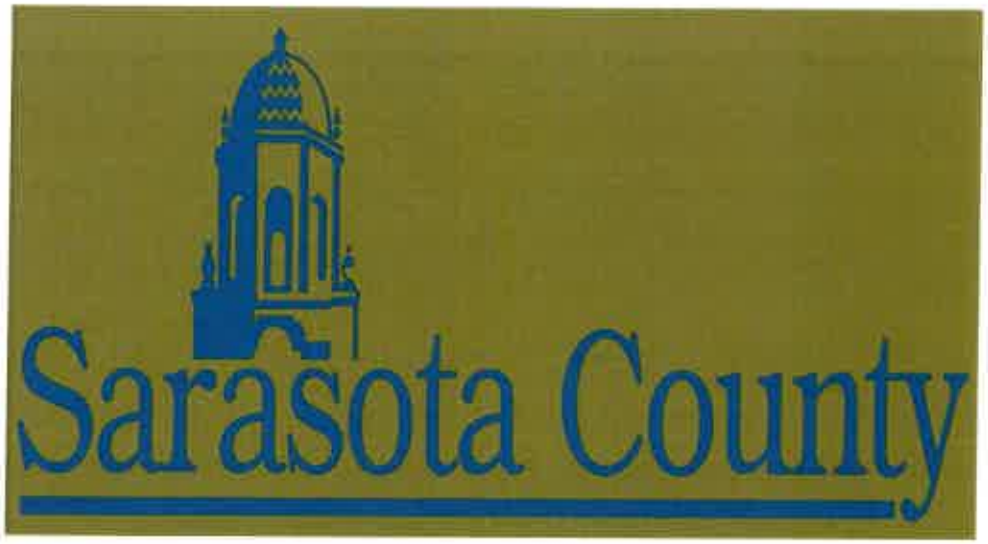
BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and
Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

SANTA ROSA COUNTY CODE OF ETHICS:

The Code of Ethics for Santa Rosa County are the statutory provisions of Chapter 112, Florida Statutes.



SARASOTA COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

SARASOTA COUNTY CODE OF ETHICS:

See the enclosed adopted ordinances and the Ethics and Compliance document.

DIVISION 3. - STANDARDS OF CONDUCT[4]

Sec. 2-121. - Declaration of policy.

It is hereby declared to be the policy of the Legislature that no officer or employee of Sarasota County, or any municipality, agency or district within Sarasota County, shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. To implement such policy and to strengthen the faith and confidence of Sarasota County in their governmental units, there is herein enacted a code of ethics setting forth standards of conduct to be observed by employees of Sarasota County and any part thereof and all municipalities, agencies and districts in Sarasota County in the performance of their official duties. It is the intent of the Legislature that this code shall serve not only as a guide for official conduct of the County's municipalities', agencies' and districts' public servants but also as a basis for discipline of those who violate the provisions of this division.

(Ord. No. 72-080, § 1, 10-17-1972)

Sec. 2-122. - Definitions.

(a) In this division, unless the context otherwise requires:

Controlling Interest means ownership, directly or indirectly, of ten percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten percent or more in a firm, partnership, or other business entity.

County means and includes all the various departments and boards under the jurisdiction of the Board of County Commissioners, and all units of County government that are not under the direct jurisdiction of the Board of County Commissioners providing the officers and employees are paid in part or in full by County funds.

County, Municipal, Agency and District Employee means an officer or employee of the County as defined above, and all municipal, agency and district employees in Sarasota County.

(b) The term "he" in this division refers to both the masculine and feminine gender where applicable.

(Ord. No. 72-080, § 2, 10-17-1972)

Sec. 2-123. - Standards of ethical conduct.

Every public official of Sarasota County, including every public official of all municipalities, agencies and districts therein, shall adhere to the following standards of ethical conduct while holding office:

(1) He shall accept no gift or favor which may reasonably be construed as intended to improperly influence his official act.

(2) He shall hold no other employment nor engage in any personal investment which is incompatible with the performance of his public duty.

(3) He shall not use nor attempt to use the powers, privileges or influence of his office to gain personal benefits for himself or others.

(4) He shall not make use of confidential information received by virtue of his official position to gain financial advantage for himself or others.

(5) He shall not engage nor shall he allow his business or professional associates to engage in any dealings with Sarasota County, including every municipality, agency and district therein, which could reasonably be construed as improperly employing the influence of his official position.

(6) He shall make an advance public disclosure of any personal business or professional interest which he or a member of his immediate family may have in a matter upon which he is required to take official action. This requirement for disclosure shall include any interest which may be held by a trustee. If an officer or employee of the County or any municipality, agency or district therein is an officer, director, agent, or member of, or owns a Controlling Interest in, any corporation, firm, partnership, or other business entity which is subject to the regulation of or which has substantial business commitments from the County, or any municipality, agency or district therein, he shall file a sworn statement with the Clerk of the Circuit Court of Sarasota County, Florida, as to all employees except city employees. Employees of a municipality shall file such a statement with the City Clerk of the city of employment.

(7) He shall not appoint or cause to be appointed to public office of Sarasota County, including its municipalities, agencies and districts, his father, mother, spouse, brother, sister, or lineal descendants of the same or any similar member of his spouse's family.

(Ord. No. 72-080, § 3, 10-17-1972)

Sec. 2-124. - Violations.

Violation of any provisions of this division shall constitute grounds for dismissal from employment, or removal from office, or other penalty as provided by law. Complaints concerning the violation of this division by any person liable to removal from office or suspension by the Governor shall be reported to the Governor and his administrative officers in the executive department.

(Ord. No. 72-080, § 4, 10-17-1972)

Secs. 2-125—2-150. - Reserved.

Sec. 2-213. - Ethical Standards.

(a) Every employee, and elected or appointed official of Sarasota County has the responsibility to maintain the confidence of the citizens of Sarasota County by conducting the procurement process in an ethical, fair and transparent manner. Sarasota County employees shall act in good faith to discharge their duties and avoid either the intent or appearance of unethical practices in procurement relationships, actions and communications.

(b) Any attempt by Sarasota County employees, or elected or appointed official of Sarasota County to realize personal gain from the procurement process is a breach of public trust. All County employees and elected or appointed officials of Sarasota County shall govern themselves in accordance with the Standards of Conduct as set forth in applicable Sarasota County Government Regulations and F.S. ch. 112.

(c) Sarasota County requires each vendor who seeks to do business with Sarasota County to comply with the following ethical standards:

(1) No vendor shall discuss or consult with other vendors intending to compete for the same or similar contract for the purpose of bid rigging, collusion or other activities that are illegal, unethical or limiting competition.

(2) No vendor shall submit false information or intentionally submit misleading information to Sarasota County.

(3) After the issuance of any solicitation, no current or prospective vendor or any person acting on their behalf, shall contact, communicate with or discuss any matter relating to the solicitation with any Sarasota County employee or elected or appointed official, other than the Procurement Official or his/her designees. This prohibition ends upon execution of the final contract or upon cancellation of the solicitation. Any current or prospective vendor that lobbies any Sarasota County employee or elected or appointed official while a solicitation is open or being recommended for award (i) may be deemed ineligible for award of that solicitation by the Procurement Official, and (ii) will be subject to Suspension and Debarment outlined in Section 2-223.

(d) Failure to comply with this Section shall be deemed a violation of ethical standards subject to administrative actions and may be subject to civil, and/or criminal penalties for ethical violations as described below:

(1) Employees who violate the ethics standards described in this section shall be subject to administrative disciplinary action, following Sarasota County Government Human Resources procedures and guidelines, up to and including dismissal from Sarasota County Government employment.

(2) Vendors who violate the ethics standards described in this Section shall be subject to Suspension and Debarment as provided in Section 2-223 of this Article.

(e) Vendors doing business with Sarasota County shall comply with the provisions of F.S. § 287.133 ("Public Entity Crimes Act").

(Ord. No. 2016-019, § 1, 3-22-2016)

Ethics and Compliance

Public service is a public trust

Sarasota County Government is dedicated to demonstrating a high level of integrity and creating a highly ethical working environment. Employees of the Sarasota County Board of County Commissioners are agents of the public they serve and hold their positions for the benefit of the public. To promote the public interest and maintain the public's trust, employees must:

- Dedicate themselves to effective and democratic local government by responsible leadership and professional management of county business at all levels;
- Maintain a constructive, creative, and practical attitude toward local governmental affairs and a deep sense of social responsibility as a trusted public servant;
- Comply with all federal, state, and local laws and regulations, contractual obligations, as well as policies established by the county commission and county administrator;
- Be responsible stewards of the taxpayers' funds by always using county funds and resources in the most efficient, effective manner possible.

Suspected matters of unethical behavior, waste or abuse by county employees will be investigated by the Ethics and Compliance Office.

Employees of Sarasota County Government shall not be subject to retaliation for reports made in good faith alleging fraud, waste or abuse.

It's important to know that the information you provide regarding an allegation may be considered a public record unless confidential pursuant to Florida Statute Section 112.3188 or other applicable law. Your report does not constitute a disclosure pursuant to the Florida Whistleblower's Act.

Report ethics, waste or abuse issues

Contact the Ethics and Compliance Office
at **941-861-5000** or ethics@scgov.net

How to report other matters

Employee harassment, discrimination or labor grievances:

Contact Sarasota County Human Resources at **941-861-5353**.

Ethics concerns regarding Elected Officials

Contact the Florida Commission on Ethics at **850-488-7864.**

SEMINOLE COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

SEMINOLE COUNTY CODE OF ETHICS:

See the enclosed adopted ordinance.

Chapter 74 - ETHICS

Sec. 74.1. - Ownership disclosure requirements in land development applications.

(a) All applications which request rezoning, a comprehensive plan amendment, a special exception, or a variance within unincorporated Seminole County shall include the identification of each person, corporation, partnership, or trust as well as the identity of contract purchasers, if any, who have ownership or an equitable ownership interest in the real property which is the subject matter of the application. Applications initiated by the County shall be required to include only ownership or equitable ownership information as reflected on the tax rolls. Forms pertaining to the identification of owners shall be made available by the Director of Planning and Development. An executed and notarized disclosure form must be submitted prior to an application being deemed complete. Without the submittal of the required disclosure form (for non County-initiated applications), the Director of Planning and Development shall not deem the application complete and shall not forward the application for staff review or schedule it for public hearing before either the Planning and Zoning Commission, the Board of Adjustment or the Board of County Commissioners. The County shall maintain completed forms on file for public inspection.

(b) Agenda materials distributed to the Planning and Zoning Commission, the Board of Adjustment, or the Board of County Commissioners, concerning all public hearings on an application, shall include a copy of the completed disclosure form.

(c) The identification of owners required by this section shall include the following information, as to each type of owner:

(1) All natural persons who have an ownership interest in the property that is the subject matter of the application, by name and address.

(2) For each corporate owner, the name and address and title of each officer of the corporation, the name and address of each director of the corporation, and the name and address of each shareholder who owns two percent or more of the stock of the corporation. Provided, however, that shareholders need not be disclosed as to corporations whose shares of stock are traded publicly on any national stock exchange.

(3)

In the case of a trust, the name and address of each trustee and the name and address of the beneficiaries of the trust. If any trustee or beneficiary of a trust is a corporation, the identification requirements of subsection (2) above shall apply.

(4) For partnerships, including limited partnerships, the name and address of each principal in the partnership, including general or limited. If any partner is a corporation, the identification requirements of subsection (2) above shall apply.

(5) In the circumstances of a contract for purchase, the name of each contract purchaser, along with the names and addresses which are required by the appropriate subparagraphs above for corporations, trusts or partnerships who file an application. In addition, the date of the contract for purchase shall be specified along with any contingency clause relating to the outcome of the consideration of the application.

(6) As to any type of owner referred to in this section, a change of ownership occurring subsequent to the application submission, shall be disclosed to the Director of Planning and Development prior to the date of the public hearing on the application by either the Planning and Zoning Commission, Board of Adjustment or the Board of County Commissioners. This supplemental disclosure shall be made in writing.

(7) If an applicant claims that disclosure of an ownership interest would violate the confidentiality requirements of any applicable law or regulation, the applicant must: (1) so state on the disclosure form, (2) cite the statute or regulation that prohibits disclosure of such ownership interest, and (3) submit an opinion of legal counsel indicating that disclosure would violate the cited statute or regulation. The County Attorney's Office shall review all applications that contain an assertion of confidentiality to verify the legal existence of the confidentiality requirement cited. Upon such verification, the application may be processed without disclosure but it will be the applicant's responsibility to defend and hold harmless the County regarding any litigation challenging the non-disclosure or the applicability of the confidentiality requirement to the applicant.

(8)

Upon a judicial determination that an application for rezoning, comprehensive plan amendment, special exception, or variance was obtained without disclosure of ownership interests as required hereby, the approval of such application shall be void, provided any such action was filed within the time allowed for appeal of the underlying determination. No action filed after the jurisdictional deadline for an appeal of the underlying land use decision shall result in the voiding of that decision.

(Ord. No. 2007-23, § 2, 7-24-07)

Editor's note— Section 5 of Ord. No. 2007-23 provides for an effective date of Oct. 1, 2007.

Sec. 74.2. - Ethical Standards for County Officials and Employees.

County officials and employees shall strive to adhere to the following ethical standards:

I. *Serve the Public Interest.*

(a) Exercise discretionary authority to promote the public interest.

(b) Oppose unlawful forms of discrimination and harassment.

(c) Recognize and support the public's right to know the public's business.

(d) Involve citizens in policy decision-making.

(e) Respond to the public in ways that are complete, clear, and easy to understand.

(f) Assist citizens, in their dealings with government.

(g) Be prepared to make decisions that may not be popular.

II. *Respect the Constitution and the Law.*

(a) Understand and apply legislation and regulations relevant to their professional role in a fair and even handed manner.

(b) Work to improve and change policies that are counterproductive and obsolete.

(c) Eliminate unlawful discrimination.

(d) Prevent mismanagement of public funds by establishing and

maintaining strong fiscal and management controls.

(e) Respect and protect privileged information.

(f) Promote constitutional principles of equality, fairness, responsiveness, and due process in protecting citizens' rights.

III. *Demonstrate Personal Integrity.*

(a) Maintain truthfulness and honesty and not compromise them for advancement, honor, or personal gain.

(b) Guard against conflicts of interest or the appearance thereof: e.g., nepotism, improper outside employment, misuse of public resources, or the acceptance of unlawful gifts.

(c) Respect superiors, subordinates, colleagues, and the public.

(d) Take responsibility for one's own errors.

IV. *Promote Ethical Organizations.*

(a) Enhance organizational capacity for open communication, creativity, and dedication.

(b) Establish procedures that promote ethical behavior and hold individuals and organizations accountable for their conduct.

(c) Provide organization members with an administrative means for dissent, assurance of due process, and safeguards against reprisal.

(d) Promote merit principles that protect against arbitrary and capricious actions.

(e) Promote organizational accountability through appropriate controls and procedures.

V. *Strive for Professional Excellence.*

(a) Provide support and encouragement to upgrade competence.

(b) Accept as a personal duty the responsibility to keep up to date on emerging issues and potential problems.

(c) Encourage others, throughout their careers, to participate in professional activities and associations.

These ethical standards for County officials and employees are enacted pursuant to Part III of Chapter 112, Florida Statutes (1993), and are not intended to authorize any conduct prohibited by that Chapter.

(Ord. No. 2008-16, § 1, 3-25-08)

Sec. 74.3. - Code of Ethics.

The Code of Ethics as set forth in Chapter 112, Part III, Florida Statutes (2015), entitled "Code of Ethics for Public Officers and Employees", as this statute may be amended from time to time (hereinafter "State Code of Ethics"), is fully binding as a matter of state law on the Seminole County Board of County Commissioners, the Seminole County Planning and Zoning Commission, Board of Adjustment, all other appointed boards of Seminole County, and employees of Seminole County who all shall strictly adhere to this State Code of Ethics In addition to the State Code of Ethics, the following additional provisions apply to Seminole County officials and employees as provided below:

(1) No County Commissioner or County employee may, during the term of his or her employment or office, accept compensation from a person or entity, other than Seminole County, to communicate in his or her County government capacity with an elected official of any municipality in Seminole County in order to influence any future action of that municipal official.

(2) An individual covered by this Code of Ethics shall not use its provisions to file or pursue frivolous claims against another such individual. Frivolous claims mean those claims of a violation of this Code of Ethics that are filed or pursued with knowledge that the claim contains one or more false allegations or that are made with reckless disregard for whether the claim contains false allegations of fact material.

(Ord. No. 2008-16, § 2, 3-25-08; Ord. No. 2016-6, § 1, 2-9-2016)

Sec. 74.4. - Enforcement.

Violations of Code of Ethics set forth in Section 74.3 of this Part may constitute grounds for suspension or removal from office, pursuant to applicable statutory and constitutional procedures. Any employee who violates any of the provisions set forth in this Part may be subject

to employment sanctions, including but not limited to reprimand, suspension, or discharge in accordance with procedures under which the employee may otherwise be disciplined. Any Advisory Board Member who violates any of the provisions set forth in this part may be removed from any and all County Boards or Committees by vote of the Board of County Commissioners in addition to any procedure provided by statute, ordinance or policy of the County.

(Ord. No. 2008-16, § 3, 3-25-08)

Section 5.4 - Ethics.

A. *Ordinance Requirements.* On or before January 8, 2008, the Board of County Commissioners of Seminole County, shall, by ordinance (the "Ordinance"), require compliance with the following provisions, which shall be supplemental to, but may not diminish the provisions of general law.

(Res. No. 2006-R-177, eff. 11-07-06)

B. *Disclosure of True Ownership Interest.* Each person or entity applying for rezoning, comprehensive plan amendment, special exception or variance in unincorporated Seminole County, shall be required to, and shall disclose the true ownership interest in any real property affected, and shall further disclose in the application the names of all true parties in interest in any corporation, trust, partnership, or other legal entity which is referenced in the application as an owner (other than entities which are traded on a national exchange or a minority interest representing less than 2% of the whole). The Ordinance shall provide penalties for violation of this subsection and, in addition to any financial or criminal penalties, the Ordinance shall, in order that no person may benefit from a violation, provide that any rezoning or comprehensive plan amendment, special exceptions or variances obtained in violation of this subsection shall be rescinded if such violation is asserted within the time allowed for appeal of the ordinance.

(Res. No. 2006-R-177, eff. 11-07-06).

C. *Enforcement.* In addition to other enforcement measures available by general law, the Ordinance may include provisions establishing a board to hear and determine charges, and prescribing penalties within the limits allowed by law. If the Ordinance provides that penalties for violations may include imprisonment, the Board of County Commissioners shall, immediately following adoption of the Ordinance, enter into negotiations to compensate the appropriate prosecuting authority for costs to be associated with prosecuting of any such provisions upon terms acceptable to such prosecuting authority. The Board of County Commissioners shall also fund any necessary investigation costs and other enforcement costs associated with the Ordinance.

(Res. No. 2006-R-177, eff. 11-07-06).

ST. JOHNS COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

ST. JOHNS COUNTY CODE OF ETHICS:

See the enclosed adopted Rules and Policies of the St. Johns County Board of County Commissioners.

RULES AND POLICIES

of the

ST. JOHNS COUNTY
BOARD OF COUNTY COMMISSIONERS

Suggestions should be sent in writing to the County Administrator for consideration.

ADOPTED MAY 12, 1998

Readopted by Resolution 98-176 (September 22, 1998)
Revised March 23, 1999 (Resolution 99-48)
Revised September 21, 1999 (Consent Agenda Item)
Revised May 2, 2000 (Resolution 2000-59)
Revised July 11, 2000 (Agenda Item # 6)
Revised August 8, 2000 (Agenda Item #10)
Amended March 5, 2002 (Agenda Item #12A)
Revised February 17, 2009 (Consent Agenda Item #20)
Revised March 1, 2011 (Agenda Item #7 and Resolution 2011-53)
Revised April 17, 2012 (Agenda Item #9 and Resolution 2012-128)
Revised September 3, 2013 (Agenda Item #3 and Resolution 2013-201)
Revised April 15, 2014 (Agenda Item #10 and Resolution 2014-111)

EXHIBIT A

The National Association of Counties' Code of Ethics for County Officials

The ethical county official should:

- Properly administer the affairs of the county.
- Promote decisions which only benefit the public interest.
- Actively promote public confidence in county government.
- Keep safe all funds and other properties of the county.
- Conduct and perform the duties of the office diligently and promptly dispose of the business of the county.
- Maintain a positive image to pass constant public scrutiny.
- Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- Inject the prestige of the office into everyday dealings with the public employees and associates.
- Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the county.
- Faithfully comply with all laws and regulations applicable to the county and impartially apply them to everyone.

The ethical county official should not:

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence or attempt to influence other officials to act in his or her own benefit.
- Accept anything of value from any source which is offered to influence his or her action as a public official.

The ethical county official accepts the responsibility that his or her mission is that of servant and steward to the public.

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CHAPTER 1
ORGANIZATION OF THE BOARD

PART 1 STANDING RULES AND POLICIES

RULE 1.101 STANDING RULES

After adoption, the Standing Rules and Policies shall be used at each Board of County Commission meeting.

RULE 1.102 AMENDMENTS TO STANDING RULES

Any Commissioner may propose amendments to the Standing Rules and Policies. A proposed change to the Standing Rules and Policies shall be submitted in writing to the Chair and County Administrator. Amendments to the Standing Rules and Policies can only be made by a majority plus one of the full Board.

RULE 1.103 SUSPENSION OF STANDING RULES

A motion to suspend the Standing Rules and Policies may be made by any Commissioner. A suspension is a non-debatable motion. The Standing Rules and Policies may be suspended by a majority plus one of the Commissioners present. Once suspended, the rules remain suspended only for the time indicated in the motion.

RULE 1.104 PURPOSE OF STANDING RULES

These Rules and Policies are for the efficient operation of the Board. Non-compliance of any particular Rule shall not independently be grounds for the invalidation of any Board action.

PART 2 REORGANIZATION OF THE BOARD OF COUNTY COMMISSIONERS

RULE 1.201 REORGANIZATION MEETING

A special meeting will be called on the third Tuesday of November each year to reorganize the Board of County Commissioners. The meeting will be held in the Auditorium, and the time for such meeting will be 9:00 am. The reorganization meeting shall take place prior to a regular meeting scheduled for the same day.

During an election year, the newly elected Commissioners will be sworn in before the reorganization of the Board.

RULE 1.202 PURPOSE OF REORGANIZATION MEETING

A. Honor outgoing Board members.

B. Oath of office administered to newly elected Commissioners.

C. Election of Chair and Vice-Chair.

D. Orientation for new Board members.

RULE 1.203 RECOGNITION OF OUTGOING BOARD MEMBERS

The previous Board members will be presented with a token of appreciation from the Board.

RULE 1.204 OATH OF OFFICE FOR NEWLY ELECTED COMMISSIONERS

The newly elected Commissioners will receive the oath of office by the judge or official who has been selected to perform this duty. They shall take an oath to support the Constitution of the United States and of the State of Florida, and to truly and faithfully discharge the duties of their office to the best of their knowledge and ability.

RULE 1.205 OFFICERS

The elected officers of the Board of County Commissioners shall be a Chair and a Vice-Chair and shall assume office immediately upon election, and shall serve for a period of one (1) year unless otherwise designated by vote of the Board. During an election year, these officers shall be elected after the new Board has been seated.

RULE 1.206 METHOD OF ELECTION OF OFFICERS

The Chair and Vice-Chair shall be elected one at a time beginning with the Chair. The vote will be viva voce for each office and the nomination serves as a motion. The nomination must be seconded. The different names shall be repeated by the outgoing or acting Chair as they are moved and seconded. The vote shall be taken after the Chair declares that nominations are closed and shall be taken on each nominee in the order in which they were nominated until one is elected by a majority of the votes.

RULE 1.207 VICE-CHAIR

The Vice-Chair shall assist the Chair in the expeditious conduct of the Board's business during meetings. The Vice-Chair shall act as parliamentarian for the Board. Parliamentary training to be provided at the request of the Vice-Chair.

RULE 1.208 COMMISSION COMMITTEE APPOINTMENTS

After the election of the Vice-Chair, each Commissioner shall submit to the Chair their requests for committee appointments. The Chair shall appoint members of the committees.

RULE 1.209 COMMISSIONER LIAISONS TO BOARDS, AUTHORITIES, COMMITTEES, AND COUNCILS

A. Commissioners may be appointed and removed from time to time as Commissioner Liaison to various boards, authorities, committees and councils by the Chair. In the event that a majority of the Board membership should desire that a different Commissioner serve as Commissioner Liaison to a particular board, authority, committee or council, the Board of County Commissioners may, upon the affirmative vote of three or more Board members, remove the current Commissioner Liaison and appoint a different Commissioner Liaison in his/her stead.

B. Duties of each Commissioner Liaison include, but are not limited to:

1. Reasonably attempt to attend each meeting of the board, authority, committee or council to which assigned as Liaison.
2. Become knowledgeable with the procedures, authority and functions for the board, authority, committee or council to which assigned.
3. Enhance and implement communication between the assigned board, authority, committee or council and the Board of County Commissioners.

C. A Commissioner Liaison is not delegated to act on behalf of or in the place of the Board of County Commissioners in relation to an assigned board, authority, committee or council without specific and particular instructions by the Board. Therefore, a Commissioner Liaison shall not act as a member of, or give direction to, the assigned board, authority, committee or council without specific instructions from the Board of County Commissioners. This rule shall not be interpreted to restrict the right of any Commissioner Liaison to exercise his/her right of free speech by informing any board, authority, committee or council of the personal opinions or views of that Commissioner. In communicating with a board, authority, committee or council, each Commissioner shall clearly state whether he/she is acting pursuant to a specific instruction from the Board of County Commissioners or is speaking in his/her individual capacity with no authorization from the Board of County Commissioners to influence, bind or direct such board, authority, committee or council.

RULE 1.210

Where a Commissioner is assigned to a board, authority, committee, or council, as a member, as required by statute, ordinance, or resolution (e.g., TDC, PSCC, etc.), the Commissioner shall participate on that body as required by law, ordinance, or resolution. As an appointed member to a board, authority, committee, or council, a Commissioner will, as a representative of the Board of County Commissioners, in good faith support the position the Board of County Commissioners has taken, if any, on a particular matter. Where the Board has not taken a specific position on a particular matter, the appointed Commissioner will consider the Board's adopted Goals and Objectives as a guideline for decisions. If appointed to a board, authority, committee, or council that is an advisory body to the Board of County Commissioners, a Commissioner while sitting as a member of the Board of County Commissioners is not restricted to voting the same way as the Commissioner had voted on the advisory board.

RULE 1.211 REPLACEMENT OF CHAIR AND VICE-CHAIR

The Chair and Vice-Chair serve at the pleasure of the majority of the Board of County Commissioners and may be removed and replaced at the pleasure of a majority of the full membership of the Board.

PART 3 CHAIR OF THE BOARD OF COUNTY COMMISSIONERS

RULE 1.301 DUTIES OF THE CHAIR

As the presiding officer of the Board, the Chair shall:

A. Take the Chair at every meeting precisely at the time for the meeting to begin, immediately call the Board to order, call the roll on the appearance of a quorum, and proceed to the business of the Board.

B. Sign all ordinances enacted and resolutions adopted by the Board.

C. Appoint all committees of the Board, and designate the Chair and Vice-Chair thereof, unless otherwise ordered by the Board.

D. Authorize the placing of items on the Regular Agenda, and order the removal of items from the Consent Agenda.

E. Exercise the powers granted by these Rules and Policies to the Chair or to the presiding officer.

F. Present or designate another Commissioner to present all awards, resolutions and honors presented on behalf of the Board.

G. Approve travel expenditures for all Commissioners, except the Chair. The Vice-Chair or County Administrator shall approve the travel expenses of the Chair.

H. Perform such other duties as the Board may direct.

RULE 1.302 GENERAL AUTHORITY OF CHAIR

In addition to his/her duties and powers as the presiding officer of the Board, the Chair shall be responsible for the proper execution of these Rules and Policies, the orders of the Board and the ordinances of the County pertaining to the Board.

The Chair, through the County Administrator, shall have general control of the Board chamber and committee rooms assigned to the use of the Board.

RULE 1.303 DUTIES OF VICE-CHAIR

The Vice-Chair shall, in the temporary absence, disability or conflict of the Chair, preside at all meetings of the Board and exercise such administrative powers vested in the Chair. He/she shall exercise such administrative powers vested in the Chair as the Chair may delegate. At all times the Vice-Chair shall advise and assist the Chair in the business of the Board and shall perform such other Board duties as he/she may be assigned by the Chair. Should the Vice-Chair be absent or have a conflict, the Chair will appoint a temporary Vice-Chair.

RULE 1.304 VACANCIES

A. **Chair:** Whenever the Chair is unable to perform the duties of that office (i.e. death, resignation, removal from office, permanently disabled) the Vice-Chair shall become the Chair until a successor is elected by the Board.

B. **Vice-Chair**: Whenever the Vice-Chair is unable to perform the duties of that office (i.e. death, resignation, removal from office, permanently disabled) the Chair shall appoint a temporary Vice-Chair to serve until the entire Board can elect a replacement. When the Board elects a new Vice-Chair of the Board, he/she shall serve for the remainder of the unexpired Vice-Chair term and until a successor is elected.

C. **Terms of Appointments:** For the purpose of allowing the Chair elected or elevated permanently to that office during a regular term to carry out his/her duties and responsibilities under these Rules and Policies, the term of all previous appointments to the standing committees of the Board shall be deemed to have ended upon the election or elevation of the new Chair.

PART 4 COMMISSION MEMBERS OF BOARD

RULE 1.401 COMMISSIONER TO VOTE

Florida Statutes, Sections 112.311 through 112.326 sets forth a code of ethics for public officers and employees. Florida Statutes, Section 112.3143(3) (a) addresses voting conflicts pertaining to County Commissioners. Florida Statute 286.012 provides that a County Commissioner may not abstain from voting unless there is, or appears to be, a possible conflict of interest under Florida Statutes Chapter 112.311, 112.313 or 112.3143 and then, in such instances, the Commissioner must comply with the disclosure requirements of Chapter 112.3143 which requires that prior to the vote being taken the Commissioner shall publicly state to the assembly the nature of his/her interest in the matter from which he/she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his/her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

RULE 1.402 COMMISSIONER SUBJECT TO STANDARDS OF CONDUCT

Each Commissioner is subject to the standards of conduct set out in Part III, Chapter 112, Florida Statutes. By personal example and by admonition to colleagues whose behavior may threaten the honor of the Board, each Commissioner shall watchfully guard the responsibility of office. Commissioners should comply with Federal and State standards of conduct and with the National Association of Counties' Code of Ethics for County Officials (Exhibit A). Each Commissioner will attend and receive annual ethics training as required by Section 112.3142, Florida Statutes.

RULE 1.403 OFFICES

Each Commissioner shall be provided with an official office and a box for incoming correspondence. The County Administrator is responsible for staffing and establishing procedures for the management of the Commission Office.

No visitor, guest, or other invitee shall be left unsupervised in the Commission Office or any other secure area of any County building.

RULE 1.404 CORRESPONDENCE AND OTHER COMMUNICATION

All formal correspondence by a Commissioner in an official capacity shall be prepared on official Board letterhead. Official correspondence will not be prepared on unofficial letterhead or on plain paper, and official Commission letterhead shall not be used for the personal correspondence of any Commissioner. All authorized communications by a Commissioner in an official capacity shall be paid for by the Board as funds allow. Nothing in this rule prevents the use of email for informal correspondence. All correspondence shall be in compliance with public records laws.

With Board approval a Commissioner may use the official County seal on individual letterhead for official business. Such letterhead shall be at the expense of the individual Commissioner.

Individual members of the Board of County Commissioners may request assistance from the Communications Division to disseminate information relating to the Board's Goals and Objectives, the operation of County business, or the implementation of County policies. Distributed information must be informational in nature, factual, and not contrary or detrimental to the Board's official position on a matter. Information distributed by the Communications Division must also be non-political, refrain from incivil references to the personalities or opinions of any individual, and must represent the best interests of the County as a whole. All information disseminated by the Communications Division on behalf of the Board of County Commissioners, or an individual Commissioner, will be distributed subsequent to review and approval of the County Administrator or his designee.

RULE 1.405 TRAVEL EXPENSES

A. Board members shall be allowed reimbursement for travel expenses related to official County Commission business only and shall be subject to the same travel policies and regulations that are utilized by all County employees (Administrative Code) except as denoted herein.

B. All members of the Board of County Commissioners shall be allotted an equal amount annually for travel expenditures that are incurred in their official capacity. The amount allotted to each Board member will be determined during the budget process and placed in individual accounts. Service on Boards/Committees will be considered when setting the travel amount.

C. Money shall not be transferred from one Board member to another.

D. Additional funds may be budgeted annually to be placed in a General Board Travel account for use in situations where the need arises for Board member travel that was not anticipated during the budget process.

F. Commissioners serving their last ninety (90) days in office shall not be reimbursed for travel outside the County or for educational or conference expenses.

G. Any travel expenses by Board members over the allocation established in their individual accounts requires approval by a majority of the Board prior to incurring the expense.

H. Use of County vehicles by Board members is not authorized. Nothing in this rule prevents a Commissioner from travelling as a passenger in a County vehicle on official business, as reasonably determined by the County Administrator.

I. In-county travel expenses incurred by Board members will not be reimbursed by the County

J. Members of the Board of County Commissioners are authorized to use a rental car for out-of-county travel in accordance with the County's travel policies.

K. No payments will be made by the County for rental vehicles for trips of less than one hundred shortest distance travel (100) miles (one way) from point of departure to point of destination.

L. Unless otherwise indicated in the Rules and Policies, the County's Travel Procedures will be followed.

M. Travel expenses pertaining to the County Administrator and County Attorney shall be submitted to the Chair for approval.

PART 5 COUNTY ADMINISTRATOR[1]

RULE 1.501 COUNTY ADMINISTRATOR

A. The County Administrator is the Administrative Head of the Board of County Commissioners and is responsible for the administration of all departments of County Government (with the exception of the Office of the County Attorney) which the Board has authority to control pursuant to County ordinance, the General Laws of Florida and other applicable legislation.

B. The County Administrator shall perform such other duties as may be required by the Board.

C. The County Administrator shall be appointed by a majority of the membership of the Board of County Commissioners. The County Administrator may be terminated in the manner set forth by Section 125.73, Florida Statutes, County Ordinance and County Administrator contract provisions.

RULE 1.502 DIRECTIVES AND POLICIES OF THE BOARD

The County Administrator is to administer and carry out the directives and policies of the Board of County Commissioners and enforce all orders, resolutions, ordinances and regulations of the Board to assure that they are faithfully executed.

RULE 1.503 REPORTING TO THE BOARD

[1] See Ordinance No. 2010-47.

The County Administrator is to report to the Board on action taken pursuant to any Board directive or policy within the time set by the Board and provide an annual report to the Board on the state of the County, the work of the previous year and any recommendations as to action or programs the County Administrator deems necessary for the improvement of the County and the welfare of its residents.

RULE 1.504 INFORMATION TO BOARD OR COMMISSIONERS

The County Administrator is to provide the Board, upon request, with data or information concerning County government and provide advice and recommendations on County government operations to the Board.

RULE 1.505 BOARD MEETINGS

The County Administrator is to attend all meetings of the Board with authority to participate in the discussion of any matter and to make recommendations to the Board.

RULE 1.506 AGENDA

The County Administrator is to prepare an agenda for all Board meetings and workshops in accordance with Board instructions.

RULE 1.507 COUNTY OFFICERS

The County Administrator is to cooperate with other County Officers in the performance of their duties.

RULE 1.508 CITIZENS COMPLAINT SYSTEM

The County Administrator is to maintain a citizen complaint system to prevent possible deficiencies within Board departments, offices and activities.

RULE 1.509 BUDGETARY RESPONSIBILITIES TO BOARD

The County Administrator has the following budgetary responsibilities:

A. Prepare and submit to the Board for its consideration and adoption an annual operating budget, a capital budget and a capital program.

B. Establish the schedules and procedures to be followed by all County departments, offices and agencies in connection with the Board budget and supervise and administer all phases of the Board budgetary process.

C. Prepare and submit to the Board after the end of each fiscal year a complete report on the finances and administrative activities of the County for the preceding year and submit recommendations.

RULE 1.510 BOARD OWNED PROPERTY

The County Administrator is to supervise the care and custody of all property that is under the control or ownership of the Board.

RULE 1.511 NEGOTIATE FOR BOARD

The County Administrator is to negotiate leases, contracts and other agreements, including consultant services, for the Board, subject to approval of the Board, and make recommendations concerning the nature and location of Board funded improvements.

The County Administrator is to see that all terms and conditions in all Board leases, contracts and agreements are performed and notify the Board of any noted violation thereof.

RULE 1.512 BOARD PROJECTS

The County Administrator is to propose a project priority list, revised semi-annually, for confirmation or revision by the Board, and prepare and submit quarterly status reports on each project.

RULE 1.513 BOARD PERSONNEL

The County Administrator has the following responsibilities regarding Board personnel:

A. Recommend to the Board a current position classification and pay plan for all positions under the Board.

B. Select, employ and supervise all non-legal personnel and fill all non-legal vacancies and positions of employment under the jurisdiction of the Board. The employment of all department directors shall require confirmation by the Board. As used in this Ordinance, the term "non-legal" shall refer to County personnel or functions that are not part of the Office of the County Attorney.

C. Suspend, discharge or remove any non-legal employee under the jurisdiction of the Board pursuant to procedures adopted by the Board.

D. Order, and promptly advise the Board thereof, any department or agency under the County Administrator's jurisdiction to undertake any task for any other department or agency on a temporary basis when the County Administrator deems it necessary for the proper and efficient administration of the County government to do so.

RULE 1.514 ADMINISTRATIVE POLICY

The County Administrator is to organize the work of the departments and offices (other than the legal department) that are under the jurisdiction of the Board, subject to an administrative policy developed by the County Administrator and adopted by the Board, and review the departments, administration and operation thereof and make recommendations pertaining thereto for reorganization by the Board.

RULE 1.515 CENTRALIZATION

The County Administrator is to develop, install and maintain centralized budgeting, personnel and purchasing procedures at the direction of the Board and in accordance with Florida Statutes.

PART 6 COMMISSIONERS' RELATIONSHIP TO EMPLOYEES

RULE 1.601 THROUGH COUNTY ADMINISTRATOR

Board instruction or directives to non-legal employees of County government under the jurisdiction and control of the Board of County Commissioners shall be issued only through the County Administrator. A County Commissioner shall not give orders or instructions, publicly or privately, to any County official or employee who is subject to the direction and supervision of the County Administrator. However, interaction, communication and observance will be permitted so long as no direction is given. If a majority of the Board of County Commissioners finds that a County Commissioner has violated this section, the Board may declare the violation an act of misfeasance.

RULE 1.602 NO PERSONAL ERRANDS

No Commissioner shall ask staff to conduct any personal or business errands for them.

RULE 1.603 POLITICAL ACTIVITY

The County Administrator and County staff assigned to the County Commission office shall not engage in political activity involving candidates for St. Johns County elective office other than casting his or her ballot at the polls.

CHAPTER 2
COMMITTEES

PART 1 SPECIAL COMMITTEES OF THE BOARD

RULE 2.101 SPECIAL COMMITTEES DEFINED

A Special Committee is an ad hoc committee appointed or created by the Board of County Commissioners to give particular and exclusive attention to a single subject matter because of its technical nature or importance to the County requires concentrated study. Unless otherwise directed by the Chair or the Board, a Special Committee shall have a specified period of time within which to study the matter and make its recommendations to the Board. Board of County Commissioners' members may be appointed to a Special Committee, but participation by more than one member may not constitute a majority of the Board.

RULE 2.102 MEETINGS

Special Committees shall meet at such times and places as may be necessary to conduct their business. If the business of any Special Committee is such that regular meetings are required or become necessary, the Chair of the committee shall set a schedule of meetings, with the approval of the Chair of the Board, and shall provide the same to the Clerk of Court, who shall publish and post the same and approved changes therein. Otherwise, notice of meetings of Special Committees shall be provided and will always include language regarding one or more Commissioners in attendance. Notice of the date, time, place and matters to be considered at any special meeting of a committee or any non-regular meetings shall be given to all Commissioners, which notice shall be written, signed by the committee Chair and served not less than seventy-two (72) hours before the time of such committee meeting. The Clerk of Court shall post a copy of such notice on the County website and other appropriate locations and may publish notice in a newspaper of general circulation as a legal advertisement at least two (2) days prior to the date of the meeting. If feasible, additional publications or means may also be utilized for advertising.

RULE 2.103 ATTENDANCE AND VOTING

A. **Attendance.** It shall be the responsibility of each Commissioner to attend the regular or special meetings of each Special Committee to which he/she is appointed. Commissioners may attend meetings of any committee of which he/she is not a member and offer comments and observations, but he/she may not participate in the committee debate on the matter nor vote on any question and must observe Sunshine Laws at all times.

B. **Voting or Consensus.** No member of a Special Committee shall be allowed under any circumstances to vote by proxy. Each present member of a committee shall vote as provided in Rule 1.401. The Chair may ask for consensus on any issue. Hearing no opposition from the Vice-Chair, it shall be reported to the Board as a consensus of the committee.

RULE 2.104 CONSIDERATION OF REFERRED MATTERS

All Special Committees shall report on every subject referred to them, and shall dispatch as expeditiously as reasonably possible and proper the public business assigned to them. It shall be the duty of the committee Chair to insure that the committee's business is promptly and properly considered.

RULE 2.105 POWERS OF SPECIAL COMMITTEES

A Special Committee shall have and may exercise the following powers in carrying out the duties assigned to it by these Board Rules and Policies or by the Board or by the Chair of the Board:

A. By its Chair or Vice-Chair in his/her absence, to request attendance from staff or the County Attorney through the Board of County Commissioners, when needed at meetings.

B. A Special Committee, by unanimous consent, may request through the Board of County Commissioners that the County Attorney draft a resolution. The resolution must relate to items which are under the purview of that Committee. Resolutions will stay in committee until the committee approves the final committee draft. Upon approval of final committee draft it shall be sent to the Board Chair to be placed on the agenda.

The resolution shall be called a "Draft Resolution of _____ Committee" until adopted by the Board of County Commissioners.

C. A committee may not direct the County Attorney to draft ordinances.The committee Chair may request the Board of County Commissioners to support a committee request for the County Attorney's office to prepare or review an ordinance. The County Attorney will prepare or review an ordinance as approved by a majority vote of the Board of County Commissioners (refer to Rules 3.102 and 3.103).

RULE 2.106 RULES IN SPECIAL COMMITTEES

Unless otherwise provided for, all Special Committees shall follow the following procedural rules:

A. A quorum of a committee shall be a majority of its regular members.

B. After the committee has fully considered an issue, it may be referred to the full Board with one of the following:

1. Recommendation for approval (must come from the full committee membership).
2. Recommendation for denial (must come from the full committee membership).
3. A split decision.
4. No recommendation (not considered).

C. Voting or consensus in all committees shall be by voice vote, but upon the request of any member of the committee, the vote shall be taken by roll call.

D. Any committee intending to conduct a public hearing at a special meeting, as defined in Rule 3.206, shall give each member of the committee not less than three (3) days written notice of such hearing, which notice shall include a statement of the subject matter of the public hearing, and it may include the phrase "and all other matters that may come before the committee."

E. The rules of the Board shall govern proceedings in committee, except as otherwise provided by Rule.

RULE 2.107 SPECIAL COMMITTEE MINUTES

A. The proceedings of every Special Committee shall be electronically recorded, and unless excused by the committee Chair, the Clerk of Court's designee shall be in attendance to take notes, care for the committee and legislative files being used by the committee, assist in the preparation of committee reports and perform other duties as instructed by the Chair. Written minutes of the proceedings are required and shall be prepared in the standard format used by the Clerk for the Board. Memorandum minutes only will be prepared by the Clerk's designee. The recordings of the proceedings shall be kept as a permanent record of the Board.

B. Copies of committee minutes may be obtained through the Clerk of Court's Office.

PART 2 BOARD-APPOINTED BOARDS, COMMITTEES, COMMISSIONS AND AUTHORITIES

RULE 2.201 MEMBERSHIP

A. **Appointment.** Members of boards, committees, commissions and authorities ("Boards/Committees") shall be appointed by the Board of County Commissioners except where otherwise expressly provided for with respect to a particular Board/Committee. A member will be considered to have full voting rights and

privileges when all required paperwork including, where applicable, Financial Disclosure, is completed and filed with the appropriate office.

B. **District Representation.** Every reasonable attempt will be made to have all County Commission districts equally represented on each Board/Committee. For some Board/Committees this is a requirement of its creating legislation.

C. **Qualifications.** Applicants must be residents of St. Johns County, unless otherwise approved by the Board of County Commissioners, and meet any other requirements set forth by the applicable Board/Committee.

D. **Compensation.** No member of any Board/Committee shall receive compensation for his/her services as such, except as otherwise provided herein, or be entitled to pension or other retirement benefits on account of such service. Members of any Board/Committee shall not utilize their position to solicit or conduct private business at any time during the meeting or recess, while on County property or while conducting County business.

However, certain boards may find it necessary to travel. If so, they may receive their actual or necessary expenses incurred in the performance of their duties of office, including travel reimbursement or stipend in accordance with Section 125.9404, Florida Statutes, as approved by the Board of County Commissioners and as budgeted each fiscal year.

E. **Term Expiration.** Letters notifying members of impending term expiration will be at a minimum mailed two times a year - in January and July - for expiration dates occurring in the first and last six months of the year, respectively.

F. **Correspondence**. All official correspondence to County Commission-appointed Board/Committee members shall be signed by the initiating County Commissioner or staff, and all Commission members shall be copied on the same.

RULE 2.202 ATTENDANCE, ALTERNATES AND VACANCIES

A. **Attendance.**

1. If any appointed member of a Board/Committee fails to attend three (3) consecutive regularly scheduled meetings or five (5) of twelve (12) regular or special meetings or workshops of the Board/Committee, the Board/Committee shall declare the member's office vacant and the vacancy shall be filled as provided herein, unless otherwise provided by law. Staff shall maintain a record of absences and enforce the attendance policy.

2. For those Board/Committees that meet twice a month on a regular basis, the attendance threshold shall be six (6) consecutive regularly scheduled meetings or ten (10) of twenty-four (24) regular or special meetings or workshops of the Board/Committee. Staff shall maintain a record of absences and enforce the attendance policy.

3. The above attendance requirement notwithstanding, the Board of County Commissioners may take action to allow an appointed member of a Board/Committee to continue to serve in office upon a showing of good cause and exceptional circumstances. If a member is interested in invoking this policy, the member should address a letter to the County Commission Chair, copied to the Board's County Commission Liaison (if applicable) and staff support, stating such intentions. The matter will then be brought to the full County Commission for action. The Board may appoint an interim member as circumstances dictate.

4. It is the responsibility of the Board/Committee member to notify appropriate staff support no later than seven (7) days in advance of a planned absence, or as soon as possible in the event of an unexpected absence.

B. **Alternates.**

1. Alternates are appointed to assist a Board/Committee with meeting quorum requirements to conduct business. It is essential that Alternates make every effort to attend all workshops, regular and special meetings of the Board/Committee as an Alternate may be called upon at any time to serve as a regular, voting member. Therefore, it is also important that Alternates have the most current knowledge of any ongoing discussion of matters that carry forward from previous meetings in the event such vote must occur.

2. Alternates must meet the same attendance requirements as regular Board/Committee members. Failure to do so will result in the same consequences, with the Board/Committee declaring the Alternate's seat vacant.

3. Alternates with appropriate qualifications may be recommended to move into vacancies created among the regular membership of the same Board/Committee. The Alternate is then eligible to serve two (2) full terms as a regular member of the Board/Committee, unless appointed to complete a term greater than two (2) years in length, in which case the member would be eligible for only one (1) full, additional term.

C. **Vacancies.** Any vacancy on any Board/Committee shall be filled for the unexpired term in the same manner as provided for in the initial appointment to the Board/Committee.

Regarding unanticipated vacancies, a minimum of four (4) weeks time will occur from the County receiving notification of the vacancy to placement of the appointment on a County Commission agenda, to allow adequate time for advertisement and solicitation of applications.

Each Board/Committee shall make recommendations to fill any given vacancy. Such recommendations shall be provided in writing to the County Commission Chair and made a part of the agenda packet created for Commission appointment consideration. All applicants/applications received by the submission deadline will be equally considered with respect to any and all requirements of the particular Board/Committee.

D. **Members Seeking Public Office (Resolution 92-119).** The County Commission policy requires that anyone serving on a County-appointed Board/Committee who desires to seek public office resign from the respective Board/Committee upon naming a campaign treasurer. A letter from the County Commission Chair, with a copy of the Resolution, will be sent to pertinent Board members should the situation arise.

RULE 2.203 LIMITATIONS OF TERMS OF SERVICE

A. Unless otherwise provided for in the creating legislation of a particular Board/Committee or otherwise specified by law, regular appointments will be made for two (2) year terms.

B. A member seeking reappointment to a Board/Committee must submit a letter of interest and be considered as any other applicant. A record of attendance will be considered as part of the applicant process for reappointment.

C. Any member appointed to a Board/Committee for two (2) consecutive terms shall not be eligible for the next succeeding term, unless otherwise stated in legislation regarding a particular Board/Committee.

D. In the event that a member is appointed to complete an unexpired term two (2) years or less in length, that member is eligible to serve an additional two (2) full terms.

E. All members serve at the pleasure of the Board of County Commissioners and may be removed at any time without cause, or as provided by law.

F. The State's prohibition on dual office holding is expressly recognized. Additionally, no one may serve on more than one Board/Committee at the same time, unless at the specific direction of the Board of County Commissioners. Upon appointment of a current member to a second committee for dual service, the County Commission shall have a specific, stated reason for this action clearly stated in all pertinent motions. An applicant seeking dual status must be in good standing, as attested to by the County Commission liaison of the affected Board/Committee.

G. Any member of a Board/Committee may apply for service on another Board/Committee if he/she first resigns from the current Board/Committee on which he/she serves, unless applying for dual status. If a member is granted dual status and appointed to a second Board/Committee, then resigns the position on the original Board/Committee, it will count as an automatic removal from both Board/Committees.

H. Periodically, situations require that membership on Board/Committees be staggered to maintain a continuous presence of a majority of experienced members at any one time. Term limits, with regard to staggering, shall be addressed in the following manner:

1. A member appointed to an initial, staggered term less than two (2) years in length will be eligible for an additional two (2) full two (2) year consecutive terms at the conclusion of the initial, staggered term.

2. A member appointed to an initial, staggered term two (2) years or more in length is eligible for only one (1) additional two (2) year term after the initial staggered term is complete.

RULE 2.204 APPLICATION TO SERVE

A. **Application.** Anyone wishing to serve on a Board/Committee must submit a completed application, which may be obtained from County Administration. No one will be considered for appointment without a completed application on file.

Presently there are three (3) applications for County Board/Committees: the standard application, the application for Board/Committees addressing land use, and the application for TDC Arts/Cultural/Heritage Funding Panel. Which application is completed depends on which Board/Committee a County resident seeks appointment.

1. The standard application is for all advisory committees regarding issues other than land use.

2. The application for Board/Committees addressing land use requests additional information of the applicant regarding current investments or holdings in St. Johns County. This application is to be completed by all Board/Committees with final decision-making authority and those required to file financial disclosure.

3. The application for TDC Arts/Cultural/Heritage Funding Panel requires additional information of the applicant regarding experience, knowledge or skill set in tourism, visual arts, and/or special event organization and promotions. This application is to be completed by those interested in applying to the TDC Arts/Cultural/Heritage Funding Panel.

B. **Vacancy Notification.** Vacancies will be posted and advertised as necessary.

C. **Disclosure.** Certain appointees may be required to complete disclosure forms as required by State law. County Administration will maintain a list of those Board/Committees to which this requirement pertains.

D. **Inactive Applications.** Applications on file for six (6) months without activity will be deemed inactive. Prior to being purged, applicants will be notified to determine whether the application will remain active for a second six (6) months. At no time will an application remain active longer than one (1) year.

E. **Reappointment.** See Rule 2.203 (B).

RULE 2.205 PROCEDURES, OFFICERS, RULES

A. **Meeting Schedule.** Unless otherwise provided for, with respect to a particular Board/Committee, each Board/Committee shall hold regular meetings, and may meet more frequently if needed as provided in its rules. Certain Boards/Committees will meet as needed, but at least annually.

B. **Quorum.** A majority of the membership of a Board/Committee shall constitute a quorum for the purpose of meetings and transacting business.

C. **Officers.** Each Board/Committee shall elect a Chair and a Vice-Chair, each of whom shall serve for one (1) year and until a successor is chosen, unless otherwise provided for, with respect to a particular Board/Committee. Staff support will notify County Administration annually of the names of members who serve as officers.

D. **Minutes.** Written minutes will be taken and maintained by a County staff member, be it the Staff Support person or staff designated as recording secretary for the purpose of the meeting. Copies of minutes will be made available as requested.

E. **Rules.** Each Board/Committee may adopt, amend and repeal rules for its further organization, not inconsistent with the Board of County Commissioners' Rules and Policies. Rule changes shall be approved by the Board of County Commissioners on the Consent Agenda. Each Board/Committee shall allow public comment consistent with Rule 4.704.

F. **New Committees.** All new Board/Committees, ad hoc or regular, will, as a group, receive training regarding the Sunshine Law, public record laws, ethics laws, and County Commission policy. Training will be provided by the County Attorney's Office at the new Board/Committee's organizational meeting and anytime thereafter as necessary.

G. **Mission Statement.** No Board/Committee shall assume any power or authority not specifically granted to it, but each Board/Committee shall strive to give the citizens and the Board of County Commissioners of St. Johns County their best efforts in developing recommendations regarding their assigned subject matter and providing other authorized services.

1. Each individual Board/Committee appointed by the Board of County Commissioners shall develop its own individual mission statement and submit such to the Board of County Commissioners for review and approval within six (6) months of said appointment. Said mission statement shall be reasonably limited to the subject area and purpose for which the Board/Committee was created.

2. The following shall be a mission statement applicable to all Board/Committees appointed by the Board of County Commissioners unless the Board of County Commissioners establishes a particular alternative mission statement for a designated Committee or specifically rules that no general mission statement shall be applicable to a designated committee:

> *Each Board/Committee shall carry out its particular mandate made by the Board of County Commissioners while operating in compliance with all applicable Federal and State laws, and County ordinances, including, but not limited to, the Florida Sunshine Law, the Florida Public Records Law, Code of Ethics, applicable quasi-judicial hearing rules, and the civil rights laws of the United States .*

H. **Staff and Administrative Support.** A County employee shall be appointed by the County Administrator to serve as Staff Support for each Board/Committee appointed by the Board of County Commissioners. The Staff Support will be assigned to monitor activities, serve as liaison and promote communication. Each such Board/Committee and Staff Support shall be assigned to a County Department for administrative support and oversight. Each such Board/Committee which requires staff support of the County shall address such request to the Board/Committee Staff Support appointed for that particular Board/Committee. If such Support is not available to timely address a particular need of a Board/Committee, the request may be addressed to the appropriate Department Director or to the Office of the County Administrator. This provision shall not be interpreted as restricting any Board/Committee member from making an individual public records request to any County agency, although such individual shall have individual responsibility for the cost of such request.

Board/Committee use of County equipment and services (i.e., postage, copies, research, minutes, business cards) is allowed as needed and approved by County Administration.

I. **Legal Assistance.** Legal advice will be provided by the County Attorney's Office as reasonably requested, and approved by the Board of County Commissioners.

J. **Expenditures and Liabilities.** Each Board/Committee with an approved budget must obtain written authorization from the Staff Support before making any expenditure. Any disagreement regarding expenditures between the Staff Support and the Board/Committee shall be referred to the County Administrator for resolution. The assigned Staff Support shall be responsible for ensuring that County supply, purchasing and expenditure policy and procedures are complied with by their assigned Board/Committee. No Board/Committee may obligate or incur liability on behalf of the County without the express written authorization of the County Administrator or the Board of County Commissioners.

K. **Issues on Individual Boards, Committees, Commissions, Authorities.**

In the event a concern arises within a Board/Committee regarding membership, effectiveness or validity of that particular Board/Committee or any other matter that cannot be resolved by the particular Board/Committee with a vote of its membership, the following steps will be taken for resolution:

1. If the Board/Committee has a County Commission liaison, the liaison will determine whether it is a matter that should be addressed by the Board of County Commissioners for resolution.

2. If a County Commission Liaison is not assigned, the Staff Support will proceed as follows:

   i. Meet with the Chair of the respective Board/Committee to discuss the situation and possible alternatives for resolution.

   ii. Meet with the County Administrator to discuss the situation and determine the most appropriate plan of action.

   iii. The agreed upon matter for proceeding will be committed in writing and implemented, and a follow-up report will be conveyed to all pertinent parties as necessary.

L. **Specific Findings.** All orders/recommendations shall give specific findings and reasoning for the decision/recommendation.

M. **Presence During an Appeal.** If a decision is appealed before the Board of County Commissioners, a member of the Board/Committee will be present at such hearing.

RULE 2.206 REQUIREMENTS OF BOARD/COMMITTEES

A. **Budgets.** Each Board/Committee shall submit, within the time and in the manner provided, an annual budget for the public funds which it deems necessary for the performance of its functions. If a budget is appropriated by the Board of County Commissioners, it shall be administered as a part of the appropriations to the County Administrator. Should funds be needed during the year, the request shall be made to the Board/Committee's County Commission Liaison, who will bring the matter to the County Administrator to be placed as a scheduled agenda item on the Board of County Commissioners Regular Agenda.

B. **Annual Reports.** Each Board/Committee must submit an Annual Report to the Board of County Commissioners by April 1st indicating its activities and accomplishments for the previous calendar year. The report should include the mission statement of the Board/Committee, projections for the current calendar year and any other relevant information, such as the proposed budget.

C. **Boards Subject to Certain Laws.** Each Board/Committee is subject to applicable Florida law, including but not limited to the provisions of Chapters 112, 119 and 286, Florida Statutes (regarding Public Officers & Employees, Public Records and Government in the Sunshine, respectively). Each prospective member of a Board/Committee shall be provided with a copy or summary of Chapters 112, 119 and 286, Florida Statutes. The rules of each Board/Committee shall have County staff

as custodian of the records of the Board/Committee, who shall be responsible for the records' safekeeping on County property and administration, according to Chapter 119, Florida Statutes.

County employees may not serve as voting members on any County Board/Committee. For the purpose of this paragraph, County Commissioners shall not be considered County employees.

D. **Employee Harassment Policy.** St. Johns County expressly prohibits any form of unlawful employee harassment based on race, color, religion, sex, national origin, age, disability, Veteran status or status in any group protected by state or local law. Improper interference with the ability of St. Johns County employees to perform their expected job duties is not tolerated. Board/Committee members shall comply with this policy in their interactions with County employees. See section 406 of the Administrative Code to reference the complete policy.

E. **Rules of Decorum and Civility.** Each Board/Committee and members thereof shall reasonably comply with Part 4 Rules of Decorum and Civility. Board/Committee members are encouraged to make constructive comments and policy recommendations to the Board of County Commissioners but shall avoid disrespectful commentary.

RULE 2.207 PRECEDENCE

Where Florida law, or County ordinance or regulation sets forth criteria (e.g. terms of office) for any particular Board/Committee, that regulation shall prevail when in conflict with these Rules and Policies.

CHAPTER 3
LEGISLATION

PART 1 GENERAL RULES

RULE 3.101 MANNER OF LEGISLATION

The Board shall take official action only by means of ordinances, resolutions, or motions. For the purposes of these Rules:

A. "Ordinance" means an official legislative action of the Board, which action is a regulation of a general and permanent nature and enforceable as a local law.

B. "Resolution" means an expression of the Board concerning matters of County business, an expression of temporary, advisory or exhortative character or a provision for the disposition of a particular item of the business of the Board.

C. "Motion" means a proposal that certain action shall be taken or shall not be taken or a certain view be expressed.

Agenda items related to policy changes should not be introduced prior to staff review or Commission workshop.

RULE 3.102 PREPARATION OF LEGISLATION

Legislation consisting of ordinances will usually be prepared by the County Attorney's Office upon an affirmative consensus by a majority of the Board. Any ordinance not prepared by the County Attorney's Office shall be reviewed by the County Attorney's Office before scheduled for public hearing. All ordinances prepared by or submitted to the County Attorney's Office shall be approved by his/her office as to form.

RULE 3.103 INTRODUCTION OF LEGISLATION

There shall be a reasonable limitation on subject and matter embraced in ordinances, amendments and enacting clause. Every ordinance shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended section, subsection or paragraph of a subsection. Ordinances shall be presented for review by the Board twice prior to enactment unless otherwise directed by the Board.

RULE 3.104 WITHDRAWAL OF LEGISLATION

Any legislation may be withdrawn by the introducer at any time before amendment or putting to a vote, with the consent of a majority of the Board present.

PART 2 PUBLICATION, PUBLIC HEARING

RULE 3.201 MATTERS TO BE PUBLISHED

A. **Matters required to be Published.** The following matters shall be published in the manner provided in this part:

1. The titles of all proposed ordinances other than emergency ordinances.

2. The titles of all resolutions considering applications for developments of regional impact.

3. The statutory notices required by Sections 125.66, 200.065(2) and 380.06(11), Florida Statutes.

B. **Matters which may be published.** Any other matter may be published at the direction of the Chair, the Board or any committee with respect to its business.

RULE 3.202 TIMES FOR PUBLICATION

The titles required to be published under Rule 3.201(a)(1) and (2) shall be published as soon as possible after the hearing date is established. The notices required to be published under Rule 3.201(a)(3) shall be published within the statutory periods prescribed for their publication. All other matters shall be published as directed.

RULE 3.203 MANNER OF PUBLICATION

Official advertisements and notices shall be submitted to the Clerk of Court's Office to be published for the prescribed period of time in a newspaper which meets the requirements of Sections 50.011 and 50.031, F.S., for publication of legal and official advertisements. Unless otherwise prescribed by law or directed by the Chair, Board or committee, official advertisement or notice shall be published once only and, wherever possible, matters to be published concerning the same ordinance or resolution shall be published in a single advertisement or notice. Publication shall be posted as required by Rule 3.201 or unless specifically ordered by the Board/Committee in addition to publication in a newspaper.

RULE 3.204 PROOF OF PUBLICATION

Proof of publication shall be obtained by the Clerk of Court's Office as provided by Section 50.041, F.S. The original proof of publication shall be filed in the Clerk of Court's files.

RULE 3.205 PUBLIC HEARINGS: BOARD OF COUNTY COMMISSIONERS

A. **Public Hearing Defined.** A public hearing is a specified portion of a meeting of the Board in which the privilege of the floor is granted to the general public and members thereof may address the Board on the subject for which the public hearing is called. A public hearing is designed to elicit comments and observations from the general public and to afford the members of the general public an opportunity to speak directly to the full Board.

B. **When Held.** Although the Board has need of the comments and observations of the members of the general public, the business of the Board requires that public hearings by the full Board be held to the minimum number. Consequently, except for public hearings required by law, a public hearing by the full Board will be scheduled only by order of the Chair, with a majority of the Commissioners present at any meeting.

C. **Conduct of Public Hearings.** When the St. Johns County Board of County Commissioners holds a public hearing on proposed legislation, the Chair shall announce that the time for the public hearing has arrived and declare the same open to the general public. Rules for each speaker will follow rules for public comment as specified in Rule 4.704. At any time during the public hearing, the Commissioners may question any speaker concerning the speaker's remarks, and they may recall any speaker for clarification of his/her previous remarks or for additional remarks. When all members of the general public who have been scheduled to speak have done so and the Board has finished their questions of the speakers, the Chair shall declare the public hearing to be closed; and no further remarks shall be heard from the general public. Once the public hearing is closed, a motion may be made and voted upon in accordance with all procedures contained herein

The Commissioners may question a speaker only to elicit information, comments or opinions and may not debate the merits of the legislation, either with a speaker or among themselves, during the part of the hearing open for public input.

D. **Public Hearings without Legislation.** The Board may schedule a public hearing on a matter when there is no legislation concerning such matter pending before the Board, in order to determine the need for possible legislation and to gather information to be used in drafting such legislation.

E. **Recess**. Public hearings may be recessed by order of the Chair or by a majority of the Commissioners present to a time certain.

F. **Continuances to Agenda Items.** The Board shall consider requested continuances be set for a time certain at subsequent Regular, Workshop or Special Meetings of the Board; however, the Board reserves the right to set such agenda items on a staggered meeting schedule. At the close of the business day, or as close to 5:00 p.m. as practical, the Board, upon the request of the Chair or any Commissioner, with a vote of the majority, may defer or continue any or all of the remaining agenda items or public hearings to the following morning at 9:00 a.m., or otherwise to a date and time certain, either at a Regular, Workshop, or Special Meeting which shall be properly noticed.

G. **Conduct of hearings or appeals to the Board of County Commissioners.** Appellate hearings before the Board of County Commissioners shall be announced by the Chair. The appropriate County staff member will introduce the matter to the Board, explaining all prior proceedings related to the matter on appeal and name the appellant. The appellant shall then explain the basis for the appeal and the relief he/she is requesting. Next, all those supporting the appellant's position may speak. Then, the staff person for the agency whose decision is being appealed shall explain the decision, apprising the Board of relevant findings of fact and reasoning underlying the decision. Then, all those supporting the decision being appealed may speak. The appellant shall then be given an opportunity to reply to the statements and arguments of those supporting the decision. The above procedure notwithstanding, the Board may utilize a more detailed hearing format as may be determined by the Board or recommended by the County Attorney.

The Vice-Chair may impose reasonable limits on the number of people allowed to speak and on the length of time each person may speak, and may require each speaker from the general public to complete a written request to speak. At any time during the hearing, the Commissioners may question any speaker concerning the speaker's remarks, and they may recall any speaker for clarification of his/her previous remarks or for additional remarks. When all members of the general public who have been scheduled to speak have done so and the Commissioners have finished their questions of the speakers, the Chair shall declare the public hearing to be closed; and no further remarks shall be heard from the general public. Once the public hearing is closed, a motion may be made and voted upon in accordance with all procedures

contained herein.

The Commissioners may question a speaker only to elicit information, comments or opinions and may not debate the merits of the appeal, either with a speaker or among themselves, during the portion of the appellate hearing open for public input.

RULE 3.206 PUBLIC HEARINGS: COMMITTEES

A. **Public Hearing Defined.** A public hearing is a meeting of a committee during which the privilege of the floor is granted to the general public and members thereof may address the committee on the subject for which the public hearing is called. A public hearing is specifically designed to elicit comments and observations from the general public and to afford the members of the general public an opportunity to speak directly to the committee concerning a particular matter of great public interest or importance. All meetings of a committee are public meetings, at which the public may, at the pleasure of the committee, address the committee; but a public hearing is an extraordinary procedure used only to gain information not otherwise obtained or to hear both sides of a controversy or to argue the merits of a matter.

B. **When Held.** A committee shall hold a public hearing when ordered by the Chair, the Board or a majority of the committee members. A committee shall hold a public hearing only on a matter referred to it. Public committee hearings may be held in any public building within the County.

C. **Recess.** Public hearings may be recessed by order of the committee Chair to a time certain.

PART 3 MISCELLANEOUS COMMUNICATIONS

RULE 3.301 DISPOSITION OF MISCELLANEOUS COMMUNICATIONS

Miscellaneous communications may, at the discretion of the Chair, be referred to the appropriate committee or staff for appropriate action.

RULE 3.302 READING OF MISCELLANEOUS COMMUNICATIONS

Miscellaneous communications shall not be read to the Board, unless a majority of the Board requires such reading.

RULE 3.303 MESSAGES DURING MEETINGS

During public meetings, Commissioners shall not send, or receive and review written or electronic messages pertaining to the meeting unless presented as part of the meeting for public review.

CHAPTER 4
PROCEDURES

PART 1 MEETINGS

RULE 4.101 MEETINGS: GENERALLY

All regularly scheduled Board meetings shall be held in the County Auditorium located at 500 San Sebastian View and shall be open to the public. In case of special meetings, emergency meetings or workshops, the Board may determine another meeting location within the County.

RULE 4.102 REGULAR MEETINGS

The Board shall hold regular meetings the first and third Tuesdays of each month commencing at 9:00 am. In accordance with Rule 3.205 (F), the following Wednesday will also be a meeting date but shall be reserved for matters continued from the previous day's Board Agenda that could not be reasonably completed on that day. When a regular meeting day shall fall on a legal holiday observed by the County, the regular meeting of the Board shall be held on the following day at the same time and place or on such date, time and place approved by the Board and advertised accordingly.

RULE 4.103 WORKSHOP MEETINGS

The Board may designate workshop meetings at any time during the month, including regular meetings days. However, when so designated, that meeting date, or portion thereof, shall be publicly noticed as a Workshop Meeting.

A. From time to time, in order to build consensus among its members, it may be advantageous for the Board to discuss in detail an issue or issues under its consideration without taking action. In such situations, the Board may hold a Workshop Meeting.

B. In that the purpose of such a meeting is open discussion, fact finding and consensus building, no formal action may be taken by the Board at Workshop Meetings. All other rules of the Board relating to the procedures to be followed during Workshop Meetings shall be in accordance with Chapter 4 of these Board Rules and Policies.

C. With the purpose of a Workshop Meeting of the Board described above, the Board may wish to hear reports by staff and the comments and observation of the general public. The conduct of public comment at a Workshop Meeting shall follow that prescribed by Rules 3.206 and 4.704 (C) of the Rules of the Board, unless modified by the Chair.

D. The Chair or the Board by majority vote may call a Workshop Meeting of the Board. Advance notice of a Workshop Meeting shall not be less than those required for a Special Meeting of the Board, as described in Rule 4.104.

RULE 4.104 SPECIAL MEETINGS

The Chair or a majority of the Commissioners may call a special meeting of the Board upon not less than seventy-two (72) hours notice to each Commissioner. Notice of the call of such special meeting shall be in writing. The notice shall state the business to be transacted at such meeting, including "all other business that may come before the Board." The Clerk of the Board shall publish the notice as a legal advertisement at least two days prior to the day of the meeting. The Chair may, upon not less than twenty-four (24) hours notice to every Commissioner, cancel any special meetings of the Board which he/she had previously called pursuant to this Rule.

RULE 4.105 EMERGENCY MEETINGS

The Chair, Vice-Chair or County Administrator may call an emergency meeting of the Board at any time to consider and take action upon a public emergency. No action shall be taken by the Board unless the Board first declares by motion or resolution that an emergency exists and the action taken directly pertains to the emergency. Prior notice of the emergency meeting shall be given by the most appropriate and effective method(s) available under the circumstances. Continuity of government issues shall prevail. If the Board is not able to meet within a reasonable time to address the emergency, the provisions of Ordinance 94-25 (as may be amended from time to time) shall govern.

RULE 4.106 RECESSED OR ADJOURNED MEETINGS

The Board, at any meeting, may recess or adjourn to a time certain on the same or another day, or fix the date and time of a meeting, for transacting any business or specified business only, as may be determined by the Board in taking such action.

RULE 4.107 QUORUM

A quorum of the Board for the transaction of business shall consist of a majority of the Commissioners, but a lesser number may adjourn from time to time until a quorum is present. It shall always be in order to suggest the lack of a quorum, whereupon the proceedings shall cease, the determination of a quorum may be made and the proceedings continue, if a quorum is present, or be suspended or adjourned, if a quorum is lacking.

PART 2 PRESIDING OFFICER

The Chair shall serve as the Presiding Officer unless unable to serve.

RULE 4.201 DUTIES OF PRESIDING OFFICER

The duties of the presiding officer shall include the following:

A. State every question before the Board.

B. Record the vote on all matters concerning which the recording of the ayes and nays is required or requested.

C. Announce the results of every vote.

D. Announce the order of business and insure the orderly disposition of the items on the agenda.

E. Maintain order and enforce the rules of decorum and discipline.

F. Sign each written measure passed by the Board during the meeting at which he/she is presiding officer.

G. Execute the orders of the Board made during the time he/she is presiding officer.

RULE 4.202 RULINGS BY THE CHAIR, APPEALS

The Vice-Chair shall serve as the County Official who shall advise the Chair on parliamentary issues and shall rule on all questions of order and priority of debate, although he/she may ask the advice of the County Attorney. Any Commissioner may appeal the decision of the Chair in which event a majority vote of the Board present shall conclusively determine the ruling appealed. No other business, except a motion to adjourn or to lay on the table, shall be in order until the question on appeal has been decided.

PART 3 AGENDAS

RULE 4.301 SETTING AGENDA

The County Administrator shall provide a tentative agenda to the Chair of the Board of Commissioners, who shall then set the agenda for the Board. Any Commissioner or Department Director desiring placement of an item on the agenda will make such request of the County Administrator. All requests for agenda items will be turned in by 9:00 am Wednesday thirteen (13) days prior to the Tuesday Board Meeting/Workshop, complete with all appropriate back-up material

sufficient to warrant discussion. Should sufficient back-up material not be provided by this date, then the item will be removed from the agenda. At this time the agenda shall be considered closed, except for emergency items as may be called by the Chair in the manner provided herein. Prior to the Board meeting, the Chair will review the agenda, make any additions or deletions deemed appropriate, and with the assistance of the County Administrator, shall prioritize the agenda (excepting for advertised public hearings which shall be set in the order advertised and received by the Clerk of Courts' Office). There shall be included on the agenda, all items to be considered by the Board, and the public hearings to be held by the Board. When the agenda has been set, the Clerk of the Board shall cause the same to be printed and distributed.

RULE 4.302 CONSENT AGENDA

A. **Contents, Approval, Changes.** There shall be included on the Consent Agenda, all legislation which has received a favorable report at a previous workshop or Commission meeting from each agency of the County which is required to comment on the same, and as to which no substitutes or amendments are pending and routine business items, not limited to, but including purchases, subdivision plats and final development plans. The Chair shall approve inclusion of the Consent Agenda as a part of the Regular Agenda for each Board meeting, and may order that legislation or business items be removed therefrom, placed on the Regular Agenda, referred to a committee or delayed to another Board meeting. After the Consent Agenda is published, no items may be added to it.

B. **Consideration.** At the appropriate time, the Chair shall announce the taking up of the Consent Agenda. Any item on the Consent Agenda may be removed therefrom for the purpose of further debate at the request of any Commissioner, in which case the item so removed shall be debated and considered as part of the Regular Agenda or delayed to a future meeting. After any item has been removed for further debate, the Chair shall call for one vote on the entire Consent Agenda, which vote shall be applicable to each item on the Consent Agenda (except removed items).

RULE 4.303 ADOPTION OF REGULAR AGENDA

After the addition of any item removed from the Consent Agenda, the Chair will ask for other changes to the agenda. Changes to the Regular Agenda may be proposed by any Commissioner, the County Administrator or the County Attorney. Changes to the Regular Agenda must be approved by majority vote. After all approved changes on the agenda a motion shall be made and seconded to adopt the agenda. Once adopted the agenda shall control the meeting unless changed by a majority consensus.

PART 4 RULES OF DECORUM AND CIVILITY

RULE 4.401 BOARD TO PROMOTE AND PRESERVE DECORUM AND CIVILITY

The Board expressly recognizes that promoting and preserving decorum and civility best enables the Board to fairly and expeditiously conduct the business of the County.

While the Board is in session, the Chair shall preserve order and decorum. A Commissioner shall neither by conversation nor otherwise delay or interrupt the proceedings or the peace of the Board, nor disturb any Commissioner while speaking or refuse to obey the orders of the Board or its Chair.

RULE 4.402 MANNER OF SPEAKING

No Commissioner shall speak on any question or discuss any matter, nor interrupt another, nor make a motion without first being recognized by the Chair. When two or more Commissioners seek recognition by the Chair, the Chair shall name the Commissioner who is to speak first. No Commissioner shall be interrupted by another without the consent of the Commissioner who has the floor, except by rising to a question of order. A Commissioner, in speaking on any matter, shall confine him/herself to the question, or matter before the Board, shall not use unbecoming abusive or unparliamentary language and shall avoid commenting on personalities or character of other Board members, former Board members, other officials, staff, or the public.

RULE 4.403 POSITIVE EXPECTATIONS OF BOARD DISCOURSE

A. Always focus on what's best for the County, and represent the entire County as well as your individual district.

B. Maintain respect for the Board and its members. Visibly demonstrate respect for, and fairly represent, each other.

C. Demonstrate that it is fine to disagree but not to be disagreeable.

D. If reasonably possible, avoid surprising your fellow commissioners or staff; except positive surprises.

RULE 4.404 DISRUPTION OF MEETING

Any person disrupting a Board meeting by making personal, impertinent or slanderous remarks or by boisterous behavior while the Board is in session, may be removed from the meeting by the Sheriff's office. Such removal may be requested by the Chair in his/her discretion, or by consensus of the Board, or by the Sheriff's office if there is perceived to be an immediate threat to any person. No demonstrations of approval or disapproval from the audience shall be permitted; and if, after warning by the Chair, such demonstrations are made and result in a disruption of the meeting, the person(s)

creating such disruption may be removed from the meeting; or the Chair may recess the meeting until order is restored. The Chair shall call upon the Sheriff's officers or other security officer who may be present during the meeting to enforce directions given by the Chair for any violation of this Rule.

RULE 4.405 PROMPTNESS OF ATTENDANCE; ABSENCE FROM MEETINGS

Board members are expected to observe timely appearance at Board of County Commission regular, workshop, special meeting, or other official Board function. Any member who is unable to timely attend any such meeting or function will notify either the Board Chair or the County Administrator, prior to the meeting, if possible so that notice may be conveyed to all Board members. Any member present at any meeting of the Board will give notice to the Chair if leaving the meeting for an extended period of time.

RULE 4.406 AUDITORIUM OFFICAL USE ONLY AREA

To ensure the timely business of the Board proceeds with limited distractions and to respect public speakers, a certain portion of the County Auditorium is designated as "Official Use Only" as shown in Exhibit B. This Official Use Only area encompasses the dais area, including the sections designated for staff and the public speaker podiums. During public meetings, those permitted in the Official Use Only area shall be limited to the Board of County Commissioners, County staff, and members of the public expressly recognized by the Chair, such as public speakers and proclamation recipients. Unless expressly recognized by the Chair, members of the public and media shall remain in the non-designated area of the Auditorium during public meetings.

PART 5 VOTING

RULE 4.501 MAJORITY ACTION

Unless otherwise required by State Statute, ordinance, or indicated by these Rules, all action by the Board shall be by majority vote of those Commissioners present.

Failure to receive a majority vote of the Commissioners present shall act as a denial of the proposed question that is before the Commission.

RULE 4.502 VOTING REQUIRED UNLESS EXCUSED

Every Commissioner who is present when a question is called, unless he/she is excused as provided in Rule 1.401, shall give his/her vote in the affirmative or negative.

RULE 4.503 MANNER OF VOTING

Votes shall normally be conducted electronically if the electronic voting system is available; otherwise, voice votes shall be used. The vote on the motion to declare a measure to be an emergency shall be a roll call. In the case of any vote, if the Chair is in doubt as to the outcome, or upon the request of a Commissioner for any reason, the Chair shall call for a roll-call vote. The roll-call vote shall be called by the Clerk in a rotating sequence.

RULE 4.504 CHANGE OF VOTE

After announcement of the results of a vote, no vote may be changed or taken on the question, unless a motion for reconsideration is approved. The provisions of Rule 1.401 shall not be construed to be affected by this Rule.

RULE 4.505 PROXY VOTING PROHIBITED

A Commissioner shall not vote for another Commissioner, nor shall any person not a Commissioner cast a vote for a Commissioner. Commissioners must be present and cast their own vote.

PART 6 MOTIONS

RULE 4.601 MOTIONS: HOW MADE, WITHDRAWAL

A. Every motion shall be made orally, unless the Chair requests that it be reduced to writing. No motion shall be debated or put to a vote without a second, except for those motions stated in Rule 4.602. When a motion is made and, when required, seconded, it shall be stated by the presiding officer or, his/her designee, and the mover shall have the floor. After a motion has been stated or read, it shall be deemed to be in the possession of the Board and shall be disposed of by vote of the Board. The mover may withdraw a motion, except a motion to reconsider, at any time before the same has been amended or before a vote hereon shall have commenced, if a majority of the Board present consent.

B. A motion may be made to suspend the Rules as provided in Rule 1.103.

RULE 4.602 MOTIONS REQUIRING NO SECOND

The following motions shall be decided or acted upon without requiring a second:

A. Call for the division of a question.

B. Motion to receive committee and agency recommendations.

C. Fill a blank.

D. Inquires of any kind.

E. Leave to withdraw a motion.

F. Object to the consideration of a question.

G. Parliamentary inquiry.

H. Point of information.

I. Point of order.

J. Question of privilege.

RULE 4.603 PRECEDENCE

When a question is under debate, the following motions shall be entertained and shall take precedence over each other in the following order:

A. Adjourn to a date certain.

B. Adjourn.

C. Take a recess.

D. Lay on the table.

E. Previous question.

F. Close debate at a specified time.

G. Postpone to a day certain.

H. Refer to a committee.

I. Amend.

J. Postpone to a certain time.

K. Postpone indefinitely.

RULE 4.604 PROPOSING QUESTIONS

The Chair shall propose all questions in the order in which they are moved unless the subsequent motion be previous in nature, except that in naming sums and fixing times the largest sums and the longest times shall be put first.

RULE 4.605 RECONSIDERATION

A. **Generally.** After the decision of any question, it shall be in order only for a Commissioner voting on the prevailing side to move a reconsideration, but such motion may be seconded by any Commissioner. When a majority of the Commissioners present vote in the affirmative but the question is lost because the concurrence of a greater number is necessary for adoption or passage, any Commissioner may move for a re-consideration. If a motion to reconsider is lost, it shall not be renewed again. A motion to be considered may be laid on the table or postponed indefinitely, the effect of such action in either case shall be to defeat the motion to reconsider and to prevent further consideration thereof.

B. **Disposition.** If a motion to reconsider the vote on a main question is made immediately after such vote is taken, it may, at the option of the mover, be decided immediately or left pending. If it is made other than immediately after such vote is taken, it shall be left pending for consideration by the Board. All motions for reconsideration not immediately disposed of shall be considered and disposed of at the same hearing or meeting.

C. **Collateral Matters.** The adoption of a motion to reconsider a vote upon any secondary matter shall not remove the main subject under consideration from consideration of the Board. A motion to reconsider a collateral matter must be disposed of at once during the course of the consideration of the main subject to which it is related and such motion shall be out of order after the Board has passed to other business.

RULE 4.606 POSTPONE INDEFINITELY

Motions to postpone indefinitely shall be applicable only to main motions. The adoption of a motion to postpone indefinitely shall dispose of such measure for the duration of the Board meeting at which it is made.

RULE 4.607 LAY ON TABLE

If an amendment is laid on the table, such action shall not carry the main question or any other amendment with it. The motion to lay on the table may not be made by the introducer or mover of the legislation or proposal.

PART 7 RULES OF DEBATE

RULE 4.701 CHAIR MAY PARTICIPATE IN PROCEEDINGS

The Chair may make motions, second motions and debate, subject only to such limitations of debate as are enforced by these rules on all Commissioners, and shall not be deprived of any of the rights and privileges as Commissioner by reason of being Chair.

RULE 4.702 OBTAINING FLOOR OR RECOGNIZED BY CHAIR

In order to obtain the floor, any Commissioner desiring to speak in debate on a subject open to debate must address the Chair, and, when recognized by the Chair, may speak only on matters germane to the business or question under debate.

RULE 4.703 INTERRUPTION OF SPEAKERS

A Commissioner or official, once recognized, shall not be interrupted while speaking unless calling the Commissioner or speaker to order for transgressing any rule of the Board or failing to maintain proper decorum. Any Commissioner called to order while speaking shall cease speaking until the question of order is determined by the Chair without debate, and if in order, may proceed.

RULE 4.704 PRIVILEGE OF FLOOR AND PUBLIC COMMENT

A. **Recognition by the Chair**. Except for Commissioners and County officials/employees, no person shall approach or address the Board until the Chair permits the person to approach or address the Board.

B. **Entitlement to Public Comment on propositions before the Board**:

1. Members of the public shall be given a reasonable opportunity to be heard on a proposition before a Board. The opportunity to be heard need not occur at the same meeting at which the Board takes official action on the proposition if the opportunity occurs at a meeting that is during the decision making process and is within reasonable proximity in time before the meeting at which the Board takes the official action; however, unless otherwise provided by law, members of the public are not entitled to a reasonable opportunity to be heard in public meetings of the Board in the following circumstances:

(a) The Board is making an official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause unreasonable delay in the ability of the Board to act.

(b) The Board is making an official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations.

(c) The meeting is exempt from Florida Statute § 286.011.

(d) The meeting is one in which the Board is acting in a quasi-judicial capacity. (In hearings in which the Board is acting in a quasi-judicial capacity, each person addressing the Board shall limit comments to three (3) minutes, unless extended by the Chair for good cause. For parties to the matter, participation is as provided by LDC Article IX and Florida law. The Board may utilize more specific hearing criteria as may be recommended by the County Attorney).

2. **Designation of Representative.** Groups of members of the public who wish to communicate the same message (e.g., support or opposition to a proposition) to the Board may designate a representative to speak for the group at a public meeting of the Board by filling out a form and submitting it to the designated Staff member present at the meeting, which form indicates the general message of the group and the name and address of each person in the group and which may include a signature from each person in the group in support of the group's message.

3. **Time Limit for Comments and Extension of Time for Comment.** Each person addressing the Board shall limit comments to three (3) minutes. Members of the public and designated representatives of groups of twenty (20) or fewer persons present shall limit their comments to the Board to five (5) minutes. Designated representatives of groups of more than twenty (20) persons present shall limit their comments to the Board to ten (10) minutes. The Chair may elect to extend the time available to individual members of the public or designated representatives for comment for an additional time for good cause. A member of the public or designated representative may not assign his or her time or any part of his or her time to another speaker.

C. For public comment on items that are not a proposition being considered by the Board, a general public comment period shall be provided for persons to address the Board on matters which reasonably may need attention of the Board. Each person addressing the Board shall limit comments to three (3) minutes, unless extended by the Chair for good cause.

RULE 4.705 DECORUM

A. **Manner of Addressing the Board.** Members of the public and designated representatives shall address their comments to the Board as a whole and not to any Commissioner individually or any group of Commissioners. Imposing a demand for an immediate response from the Board

or any member thereof during public comment shall be considered out of order. Persons shall not address the Board with personal, impertinent or slanderous remarks, or become boisterous. A Commissioner shall not engage in dialogue with persons making public comment unless the question or comment is directed through the Chair or made with the permission of the Chair.

EXHIBIT A

The National Association of Counties' Code of Ethics for County Officials

The ethical county official should:

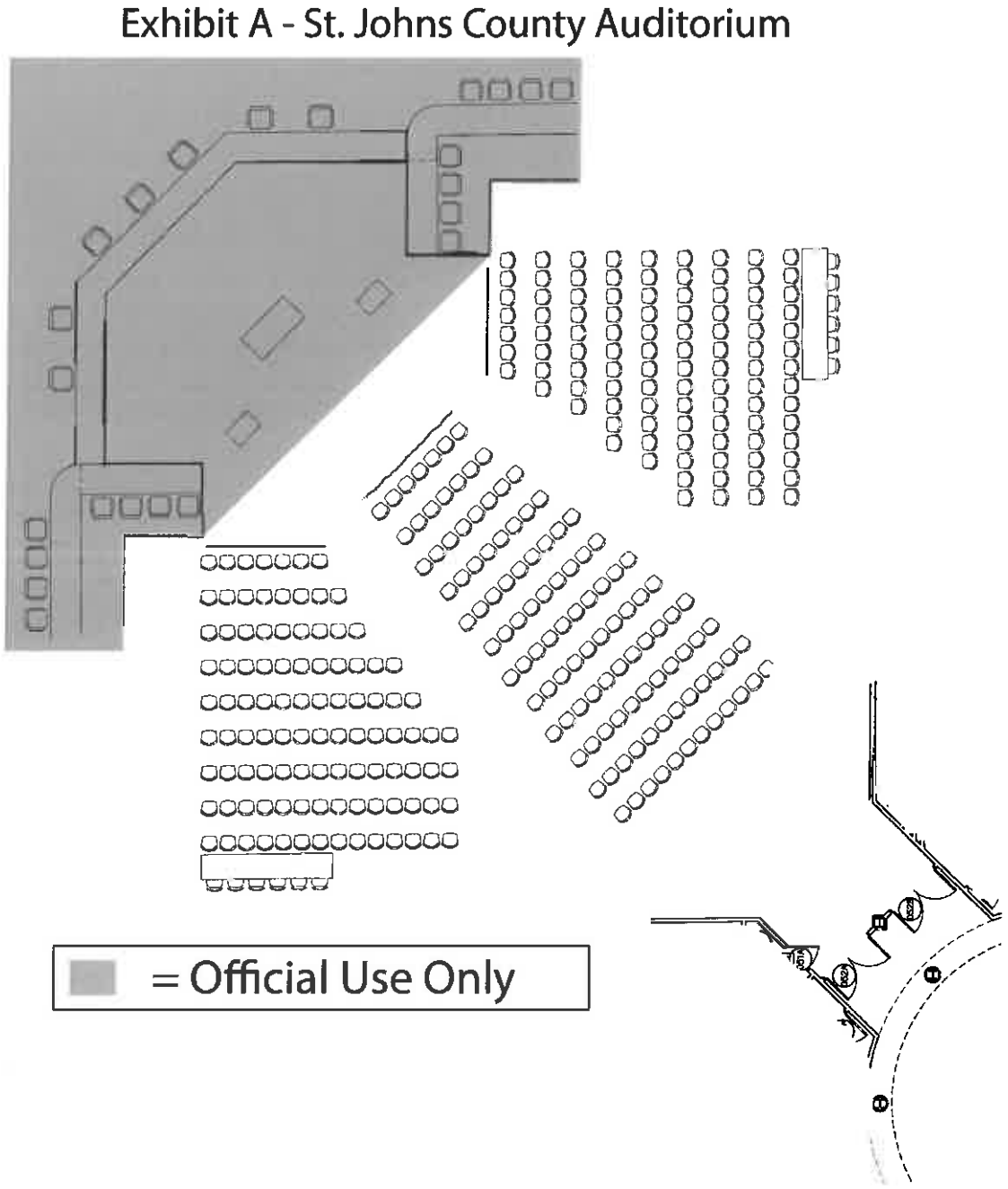
- Properly administer the affairs of the county.
- Promote decisions which only benefit the public interest.
- Actively promote public confidence in county government.
- Keep safe all funds and other properties of the county.
- Conduct and perform the duties of the office diligently and promptly dispose of the business of the county.
- Maintain a positive image to pass constant public scrutiny.
- Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- Inject the prestige of the office into everyday dealings with the public employees and associates.
- Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the county.
- Faithfully comply with all laws and regulations applicable to the county and impartially apply them to everyone.

The ethical county official should not:

- Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- Improperly influence or attempt to influence other officials to act in his or her own benefit.
- Accept anything of value from any source which is offered to influence his or her action as a public official.

The ethical county official accepts the responsibility that his or her mission is that of servant and steward to the public.

EXHIBIT B – AUDITORIUM OFFICIAL USE ONLY AREA



ST. LUCIE COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

ST. LUCIE COUNTY CODE OF ETHICS:

The Code of Ethics for St. Lucie County are the statutory provisions of Chapter 112, Florida Statutes.

SUMTER COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

SUMTER COUNTY CODE OF ETHICS:

The Code of Ethics for Sumter County are the statutory provisions of Chapter 112, Florida Statutes.

SUWANNEE COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

SUWANNEE COUNTY CODE OF ETHICS:

The Code of Ethics for Suwannee County are the statutory provisions of Chapter 112, Florida Statutes.

TAYLOR COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

TAYLOR COUNTY CODE OF ETHICS:

The Code of Ethics for Taylor County are the statutory provisions of Chapter 112, Florida Statutes.

UNION COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

UNION COUNTY CODE OF ETHICS:

The Code of Ethics for Union County are the statutory provisions of Chapter 112, Florida Statutes.

VOLUSIA COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

VOLUSIA COUNTY CODE OF ETHICS:

See the enclosed adopted ordinance.

ARTICLE XII. - CODE OF ETHICS

Sec. 1201. - Generally.

The code of ethics as provided by general law shall have full effect on all employees and office holders under the charter government. Penalty for violation shall be provided by ordinance or as otherwise provided by general law.

(Ch. 70-966, Laws of Florida (Sp. Acts), Art. XII; Res. No. 96-121, Amend. No. 1, 6-20-96)

State Law reference— Standards of conduct for public officers and employees, F.S. § 112.311 et seq.

WAKULLA COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

WAKULLA COUNTY CODE OF ETHICS:

The Code of Ethics for Wakulla County are the statutory provisions of Chapter 112, Florida Statutes.

WALTON COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

WALTON COUNTY CODE OF ETHICS:

See the enclosed adopted Walton County Personnel and Policy Manual.

Walton County Personnel and Policy Manual

BCC Approved May 23, 2017

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Section A – Purpose

The Board of County Commissioners hereinafter referred to as the BCC, believing it to be in the public interest and of most benefit to the employees of the County, has an established policy:

1) That fair and equitable treatment of all employees will be maintained in all areas of personnel matters.
2) That the administration of County services will be conducted with integrity and concern for the individual employee.
3) That the public interest will be best served by having a personnel system that recognizes individual worth and applies objective and equitable policies, procedures and practices.
4) That the BCC, or their designee, will review the qualifications of everyone making application for employment and extend offers of employment that is in the best interest of Walton County.
5) That the BCC encourages, when feasible, the advancement and training of present employees to prepare for furtherance of career and personal goals.
6) The BCC and all within their employment will comply with the state and federal EEO statutes and regulations.
7) The purpose of this manual is to set forth policies and guidelines relative to employee benefits and procedures under the Board. It provides employees with sufficient understanding of their privileges and benefits as well as their duties and responsibilities.

Revisions

Policy revisions may be initiated by any Commissioner, County Administrator, Deputy County Administrator, or Division Director and will become effective upon adoption by the BCC.

Chapter 1 – AMERICANS WITH DISABILITIES ACT STATEMENT, HARASSMENT POLICY AND EQUAL OPPORTUNITY PLAN

Section A -- Americans With Disabilities Act Statement

It is the intent of Walton County to comply with the mandates of the Americans with Disabilities Act as amended in 2008. In that regard, qualified individuals with disabilities are encouraged to apply for positions and the County will reasonably accommodate such individuals, both in any pre-employment testing and/or with respect to the job applied for. In circumstances where a disabled individual is the most qualified for a position, with or without a reasonable accommodation, that individual will be selected. It is primarily the responsibility of the disabled applicants and employees to call to the County's attention any need for a reasonable accommodation in testing or with respect to the position the individual seeks or holds.

Employees who believe they have not been afforded their rights under the Americans with Disabilities Act as amended in 2008 may file a complaint by contacting the Human Resources Director.

Section B – Harassment Policy

The Walton County BCC, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

1) Discrimination

It is a violation of the Walton County BCC's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, marital status, or any other protected status.

Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

This prohibition applies to all employees, vendors, and customers of the County. No county employee is expected to tolerate any conduct prohibited by this policy from anyone while at work or engaged in County business. The County does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

2 - Prohibition Against Harassment

As mentioned in the overall statement above, the County prohibits discrimination or harassment on the basis of race, national origin, color, religion, sex, genetic information, age, physical or mental disability, marital status, political affiliation, or protected activity. Such prohibited harassment includes, but is not limited to, the following examples of offensive conduct:

a. Physical conduct such as assault, inappropriate touching, or blocking normal movement;
b. Retaliation for making or threatening to make harassment reports to the County, or for participating in an investigation into harassment allegations;
c. Verbal conduct such as threats, epithets, derogatory comments, or slurs;
d. Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
e. Written communications containing statements that may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes or caricatures.

If you feel that you or any of your fellow employees have experienced unlawful harassment on the job, please file a complaint by contacting the Human Resources Director or any suitable member of management.

2) Prohibition Against Sexual Harassment

Walton County is opposed to and will not tolerate sexual harassment in the workplace. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual;
c. Such conduct has the purpose of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

If you feel that you or any of your fellow employees have experienced sexual harassment on the job, please file a complaint by contacting the Human Resources Director or the County Administrator, or designee, who will discuss the matter. Such report should be made as soon as possible after the incident, or, if a series of incidents is involved, as soon as possible after the latest occurrence. The complaint may be made verbally or in writing. If such report is first made verbally, then it will be the responsibility of the Human Resources Director or his/her designee to document the same in writing and to have the same signed in his/her presence by the complainant. The Human Resources Director or designee shall forthwith begin an investigation of such written complaint. Every effort will be made to resolve such complaint to the satisfaction of both parties.

Confidentiality will be maintained to the greatest extent possible while still allowing for full, complete and adequate investigation. Because of the importance of the investigation, the matter cannot be kept absolutely confidential. Communications will be made to others only on a limited "need to know" basis. There will be no retaliation against any employee for filling a complaint of sexual harassment.

Section C – Prohibition Against Retaliation

Walton County strictly prohibits retaliation against any employee by another employee or by the County through the actions of its supervisors and managers. Employees are protected against retaliation for:

1) Reporting harassment;
2) Filing, testifying, assisting, or participating in any manner in any investigation, proceeding or hearing conducted by the County or a government enforcement agency.

Section D – Equal Opportunity Plan

It is the policy of the BCC to provide equal employment opportunity without regard to race, color, disability, sex, national origin, political affiliation, religious action or any other protected category. The BCC is fully committed to assuring equal opportunity and equal consideration to all applications and employees in personnel matters. This includes recruitment, selection, hiring, compensation, and benefits. In the implementation of this policy, the County will aggressively seek personnel for all job levels within the organization through upgrading and recruitment from minority group members and women.

Section E – Workplace Violence

General Statement

Walton County strives to provide a safe and secure workplace for all employees. Threats, threatening behavior or acts of violence against employees, visitors, or other individuals by anyone on county property will not be tolerated. These violations of policy will lead to disciplinary action which may include dismissal, and may lead to arrest and prosecution, as determined by appropriate law enforcement authorities.

Prohibited Conduct

The County will not tolerate any type of workplace violence committed by or against employees. The following list of behaviors, while not all inclusive, provides examples of conduct that is prohibited:

1) Causing physical injury to another person;
2) Making threatening remarks;
3) Stalking;
4) Use of e-mail to threaten, intimidate or cause fear;
5) Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
6) Intentionally damaging employer property, property of another employee or property of any other person or entity;
7) Possession of a weapon while on County property, in a County owned, leased or rented vehicle, or while in the performance of County business regardless if the person possesses a license issued under Section 790.06, Florida Statutes (*License to Carry Concealed Weapon or Firearm*), except that this prohibition shall not apply to anyone legally certified to carry a weapon in the performance of their duty or those employees who meet the requirements of Section 790.251, Florida Statutes (lawfully authorized in a locked private vehicle in a parking lot);
8) Committing acts motivated by, or related to, sexual harassment or domestic violence.

Reporting and Investigating Threats or Incidents

1) If the incident constitutes an emergency, CALL 9-1-1. After 9-1-1 is contacted, contact department or division management immediately. In instances that are not emergency situations, contact a supervisor or manager.
2) If possible, separate the parties involved in the altercation. If the parties cannot be separated, or if it would be dangerous to do so, CALL 9-1-1.
3) Contact the appropriate department director. The department director, together with the Human Resources Director, will assess and investigate the incident and take appropriate action.
4) In instances that involve emergency situations or criminal activity, the Human Resources Director will contact the County Administrator or Deputy County Administrator and the appropriate law enforcement agency for assessment and, if advisable, investigation and prosecution.

CHAPTER 2 – CLASSIFICATION PLAN

Section A – Purpose

The Classification Plan is the foundation upon which a comprehensive human resources program is built. The Classification Plan is used:

1) As a guide in recruiting and examining candidates for employment;
2) To provide a systematic arrangement and inventory of positions;
3) To determine appropriate salary ranges;
4) To provide uniform terminology of jobs; and
5) To aid in perfecting and revising organizational structure, clarifying lines of authority and identifying responsibility.

Section B – Class Specifications

1) Each class specification lists the minimum requirements or qualifications needed to perform the job such as education, work experience, and other qualifications.
2) Class specifications are descriptive and explanatory and are not necessarily inclusive of all duties performed. They are designed to indicate the types of duties and level of responsibilities assigned to the class. Employees can be required to perform duties that are not included within their job description.
3) The Human Resources Director shall maintain a master set of all approved class specifications which shall constitute the official Classification Plan. The official copy shall show all amendments to the original plan. The copies of the specifications may include the date of adoption and/or the last revision of the class specification.

Section C – Class Titles

The title of an official class position shall be used to designate the position in all budget estimates, payrolls, and other official records, documents, vouchers, and communications in connection with all human resources processes.

Section D – Classification of New Positions

1) The Human Resources Director shall create new class specifications for positions upon receipt of the prescribed forms indicating a statement of duties, responsibilities, and requirements of such positions from the department director. Whenever a new position is created, a Job Description Questionnaire must be submitted to the Human Resources Director to describe in detail the duties of such position. A desk audit and/or interview with the incumbent or department director may be required by the Human Resources Director after a new position is created and occupied, in order to verify that the position has been appropriately allocated.
2) The Human Resources Director reviews and recommends approval or disapproval to the Deputy County Administrator all proposed position creations, allocations, reallocations, and abolishment.

Section E – Reclassification of Positions

The Human Resources Director shall recommend changing the classification of existing positions when it is determined that the position is incorrectly classified. Such action is called reclassification and must be reviewed and approved by the County Administrator or Deputy County Administrator. If an employee has facts that indicate that his/her position is improperly classified, the employee may request the Human Resources Director to review the classification of the position, with the knowledge of his/her department director. Such request shall be submitted in writing and shall contain a statement of justification. For this or any other type of request for reclassification from any source, the Human Resources Director shall thereupon investigate actual or suggested duties of the position and reclassify the position to its appropriate grade if warranted. Reclassification may occur as the result of the conditions described below.

1) The position was incorrectly classified and there has been no substantial change in duties from those in effect when the position was originally categorized.

If the position is occupied at the time of reclassification, the employee shall be entitled to serve therein and retain the corresponding status after the position is reclassified.

2) There has been a substantial change in the duties and responsibilities associated with a position since it was classified to a particular grade.
   a) If the position is assigned a higher pay grade than the current position, such action is considered an upgrade for the position. If the position is occupied at the time of an upgrade, the incumbent may be reclassified, but does have to meet the minimum qualifications of the new position if they are changed. A salary adjustment may be granted in accordance with the promotional increase policy.

Section F – Position Control

All positions in the County are established and maintained through a budget each fiscal year in accordance with established budget and accounting procedures. The establishment of additional positions not approved through the budget process shall be coordinated through the Human Resources Department and will be accomplished at the discretion of the County Administrator upon approval of the Board of County Commissioners. Changes to position allocations that do not result in an increase in the current approved budget of a department may be authorized by the County Administrator.

Section G – Abolishment of Positions

Whenever there is justification for abolishing a position such as lack of work, reorganization, lack of funds, or other reason, the department/division director shall make such recommendation to the Human Resources Director. The Human Resources Director shall review and present such recommendations for approval by the County Administrator. In no case will a position be abolished as means of terminating an employee.

Section H – Maintenance of the Classification Plan

1) Each time a unit or department is substantially reorganized, the department director will submit new Job Description Questionnaires for all affected positions to the Human Resources Director.
2) The Human Resources Director may require department directors to submit Job Description Questionnaires at any time when there is reason to believe there has been a change in duties and responsibilities of one or more positions.
3) Any change in the Classification Plan, such as establishing new positions, abolishing positions, reclassifying positions, or pay grade changes for positions require the prior review by the Human Resources Director and the approval of the Deputy County Administrator.

Annually, the Human Resources Director shall review the Classification Plan with Administration to determine if changes need to be made.

CHAPTER 3 – COMPENSATION PLAN

Section A – Purpose

The Compensation Plan is designed as a fair and equitable method for payment of employees in the County. The Plan shall establish a basic salary schedule as approved by the Board. The salary ranges shall include minimum and maximum rates of pay for all positions included in the Classification Plan. In addition to the basic salary schedule, the Compensation Plan consists of two (2) salary components that shall be used to adjust employee compensation. These two (2) mechanisms include market adjustments and performance awards.

Section B – Market Adjustment

The market adjustment is the cost of living adjustment (COLA) and is the component that is used to ensure that the salary structure is adjusted to reflect changes in the wage index. This review is done annually as a part of the budget process and if approved, will normally take effect on October 1. The review is based upon information provided by Human Resources, the Office of Management and Budget, and the County Administrator or designee, with approval by the BCC.

Section C – Starting Rates for New Employees

1) In most cases, a new employee shall be paid the minimum rate of pay for the position. Exceptions may be granted based on experience and qualifications with the approval of the department director, the Human Resources Director, and the Deputy County Administrator.
2) The minimum rate for each position is based upon the assumption that a new employee meets the minimum qualifications stated in the class specifications.

Section D– Promotional Increases

1) Policy
   a) When an employee is promoted to a position in a higher grade, the employee's salary will increase at least to the minimum or hiring salary of the new grade. If an employee is at or above the minimum salary, a maximum of a ten percent (10%) increase may be recommended by the department director and approved by the Human Resource Director and the Deputy County Administrator.

2) Procedures for Determining Promotional Increase
   a) The appropriate hiring authority shall recommend an increase within the standards stated in the policy. The promoted employee's most recent performance evaluation shall accompany the request and be submitted to the Human Resources Director for review and final approval.
   b) The decision regarding a promotional increase shall reflect the promoted employee's experience and qualifications in comparison with other employee's backgrounds in the same job.

Section E – Effects of Demotion

When an employee is demoted to a lower position, the employee shall be paid at a rate that is within the approved range for the lower position. The rate of pay shall be set by the Human Resources Director, and the Department Director taking into consideration the circumstances surrounding, and the reasons for, the demotion. An employee receiving a demotion will be required to serve a new probationary period pursuant to the Probationary Policy. If a demotion is based on performance, said employee will be requested to serve a new probation.

Section F – Employee Transfers (Lateral)

The BCC encourages employee transfers for the purpose of increasing job knowledge and skills in preparation for advancement within the organization. Post-probationary, regular employees may apply for transfers to regular BCC positions. Employees should contact Human Resources to complete a transfer form.

Section G – Temporary Work at a Higher Classification

An employee may be required to work at a higher classification on a temporary, incidental or emergency basis and may do so at the discretion of the Division Director or County Administrator. Any such temporary assignment shall not affect the employee's eligibility for normal merit advancements. Documentation of employee temporary assignments should be included in the personnel records. The employee may receive a temporary salary increase not to exceed 10% at the discretion of the County Administrator or Deputy County Administrator while working at a higher classification.

Section H – Overtime/Compensatory Time/Call Back Pay and Stand-By

1) Overtime Compensation

   a) Exempt Employees
   Executive, professional, and administrative, as defined in the Fair Labor Standards Act, are normally exempt from overtime except during emergencies or disasters. All department directors are included in this exemption. When a state of emergency has been declared or in the opinion of County

Administrator with direction of the Board, Exempt employees may be authorized for overtime pay.

b) Non-Exempt Employees
All hourly/non-exempt salaried employees will be paid overtime compensation after 40 hours of work in a seven (7) day workweek. Unless overtime is given in the form of compensatory time off as provided below, hourly employees shall receive time and one half (1½) their regular rate of pay for all hours worked in excess of 40 per workweek.

c) General Requirements
1. Overtime is to be avoided except during peak loads or in emergencies. Employees are strictly prohibited from working overtime without permission in advance from their supervisor.
2. Overtime hours must be submitted on the time sheet and should include the total number of hours and the date the overtime was worked.

2) Compensatory Time

Exempt employees are not eligible to earn or accrue compensatory time. All non-exempt hourly employees may be granted compensatory time off in lieu of overtime at the rate of one and one-half (1 ½) times the actual hours worked, subject to the following:

a) Compensatory time may only be accrued pursuant to an understanding between the department director and the employee prior to the actual performance of work;
b) Compensatory leave must be used prior to use of annual leave or sick leave.
c) Employees may choose to receive payment for accrued compensatory time upon the employee's separation of employment or upon entry into the Florida State Retirement System Deferred Retirement Option Program (DROP);
d) Compensatory time off will be allowed within a reasonable period of time after requesting its use, so long as it does not unduly disrupt the operations of the department;
e) For record keeping and reporting purposes, compensatory time off earned and taken must be accounted for in the payroll system by entries on biweekly time reports.

3) Violations and Reporting Procedures

a) It is a violation of the County's policy for any employee to falsify a time sheet or to alter another employee's time sheet. It is also a violation of County policy for any employee or manager to instruct another employee to falsely report hours worked or to alter another employee's timesheet to under- or over-report hours worked (or to fail to report any such misconduct). Report any violations of this policy immediately to the Human Resources Director or designee. It is not a violation of the County's policy for a timekeeper, supervisor or other management official to make accurate corrections to a time card or time sheet in order to ensure compliance with county policies.
b) Non-exempt employees must not work any hours outside of their scheduled work day unless their supervisor has authorized the unscheduled work. Employees must not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless authorized to do so and that time is recorded on their time card or timesheet. Employees are prohibited from performing any "off-the clock" work. "Off-the- clock" work means work performed but not reported on biweekly timesheets. Any employee who fails to report or inaccurately reports any hours worked may be subject to disciplinary action, up to and including dismissal.

c) Exempt/Salaried employees must claim leave on their timesheets if they work less than 4 hours of an 8 hour workday or less than 5 hours of a 10 hour workday.

CHAPTER 4 - EMPLOYMENT, VACANCIES AND PROMOTIONS/TRANSFERS

The selection of all employees will be based upon proper and legal consideration of the following criteria in no order of importance:

1) Qualifications;
2) Previous work history;
3) Objectives to provide affirmative action for equal employment opportunity;
4) Experience;
5) Ability to successfully represent Walton County BCC's cultural goals and objectives, written or otherwise.

Preference is given to certain veterans and spouses of veterans as provided by Chapter 295, Laws of Florida.

Section A – Announcing of Vacant Positions

1) Job Vacancy Postings
   a) Upon a department's request, the Human Resources Department will distribute a Job Vacancy for posting, for a minimum of fourteen (14) calendar days, to all county departments.
   b) Prior to transferring internally, County employees will be required to complete an Internal Transfer Form and submit it to the County Human Resources Department prior to the closing date of the position.
   c) After the final date to apply, and in accordance with the County's program of Affirmative Action for Equal Opportunity, the Human Resources Director or designee will contact interested employees and schedule an interview, if appropriate, or advise the employee of the Human Resources Director's decision.
   d) At the discretion of the Human Resources Director or designee, applications of the apparently qualified interested County employees will be referred to the department. County employees should be given consideration before outside applicants.
   e) All vacant County positions will be advertised internally and/or externally concurrently and for fourteen (14) calendar days. If necessary, the position may be posted for longer than 14 days.
   f) If a comparable position has filled within the prior (60) days, the department director (with approval from the Human Resources Director) may elect to forego a posting of the comparable vacancy and select a qualified applicant from the prior group or groups of qualified internal or external applicants.
   g) Upon a conditional offer, background, driver's license checks and reference checks will be conducted on the selected candidate. For all positions requiring college degrees, the candidate must request that an official sealed, transcript be mailed directly from the educational institution to the Human Resources Department as part of the pre-employment process. Until the official transcript is received by Human Resources, the offer of employment will remain conditional.
   h) At the close of all interviews, the department director shall make a recommendation to the Human Resources Director and explain the criteria and basis for their selection. The Human Resources Director will examine the department's selection and recommend a decision. When the department director and the Human Resources Director do not concur in their recommendations, the respective Deputy County Administrator will review the recommendations and make a final decision.

Section B – Filing of Applications

1) All applications for positions shall be made on a standard form prescribed by the Human Resources Director. The application form shall request details covering training, experience, and other pertinent information.
2) Applicants claiming veteran's preference must indicate it on the application and provide necessary documentation.
3) All applications shall be signed by the applicant attesting to the truth of all statements contained in the application form (this includes online submissions). An electronic signature is sufficient. Any false statement or misrepresentation by an applicant may be cause for denying employment consideration or for discharge from County employment if discovered at any time after being employed.
4) Applications will be accepted only for positions that are posted, during the posting period. A completed application form and proof of education and training will be required for each position applied for.
5) It is the objective of Walton County to provide consideration to internal candidates for their proven qualities as County employees.

Section C – New Employees

All new employees must report to the Walton County Human Resources Department to complete all required employment forms, prior to reporting for duty. The employee must bring his/her social security card and driver's license to meet I-9 requirements. Walton County participates in E-Verify.

Section D – Employment of Relatives

Florida Statutes, Chapter 112.3135, severely restricts the employment of relatives (in the same political subdivision) of public officials. "Public Officials" is defined as including any employee with authority to make recommendations for the appointment, employment, etc. The statute definition of "relative" is as stated in Florida Statute 112.3`35. Compliance with the statute is mandatory and penalties are provided. The BCC confirms that Walton County will comply with the statute in its employment practices.

Moreover, one family member shall not have supervisory authority over the other. (Walton County Resolution 2000-75, 1/27/01)

Section E – Promotion/Transfer

1) All full-time and part-time employees after successfully completing the initial probationary period of (6) six months of employment, shall be eligible for promotion and/or transfer to another department with the approval of both department directors. Inter-departmental transfers may be approved before the initial probationary period is completed at the director's discretion.
2) Employees desiring a promotion and/or transfer to another position may apply for a posted position by completing a Walton County Transfer Form and submitting it to the Human Resources Department prior to the final date to apply.
3) Veteran's preference in promotion will be given in accordance with Chapter 295, Laws of Florida. Eligibility for preference in promotion shall apply only to a Veteran's first promotion after reinstatement or re-employment, without exception.

Section F – Demotions

A position may be filled by the demotion of an employee in accordance with the provisions of these rules and regulations. Demotion may be the result of reclassification of a position, disciplinary action or at the request of the employee.

Section G – Probationary Period

Objective

All employees shall serve a probationary period before their status may be considered permanent. Any probationary period shall be considered an integral part of the examination process and shall be utilized for evaluation of an employee's performance and adaptability to the position, and for separating from employment an employee who does not meet the appointing authority's expectations.

1) Probationary Period (Initial Employment) – When a person is initially employed to fill a position on a regular full-time or part-time basis, they shall be given a probationary period. This period shall be considered the "working test" portion of the employment process and they must pass this period of observation and evaluation successfully. The initial probationary period will be six (6) months for all employees based on any continuous employment whether it is full-time or part-time.
2) Probationary Period (Extended) – An employee may be placed on an extended probationary period due to a disciplinary action or documented work performance deficiencies for a specified period of time at management's discretion. Any employee placed on an extended probationary period will not be eligible to be paid any annual leave if termination occurs prior to the end of the extended probationary period.
3) Probationary Period (Promoted, Demoted, or Reclassified) – An employee may be placed in a probationary status, at the discretion of the department director, due to a change in their job title or classification.
4) Dismissal During Probationary Period – At any time during any probationary period, the appointing authority may remove an employee when deemed to be in the best interest of the County.

Section H – Regular Appointment

An employee given an original probationary appointment shall be given a regular appointment upon satisfactory completion of the probationary period.

Section I – Temporary Appointment

A temporary appointment may be made for a special project or other work of a temporary or transitory nature that will not exist beyond six (6) consecutive calendar months and is not renewable. Temporary appointments may exceed six (6) months when needed to replace or supplement employees incapacitated by workers' compensation injuries. A temporary appointment which exists for any part of a month is considered to be in existence for the entire month. At the point the temporary appointment has been identified as lasting longer than six (6) months the County will begin paying retirement in accordance with the Florida Administrative Code Chapter 60S – 1.004.

CHAPTER 5 – DRUG FREE WORKPLACE

Walton County is committed to maintaining a drug-free workplace. All employees are covered by the Drug-Free Workplace Act of 1988 and will sign and acknowledge a Drug Free Workplace Summary Sheet. Employees may be sent for drug testing as follows:

a) Pre-employment if the position is a safety sensitive position such as a truck driver or equipment operator.
b) When there is reasonable suspicion to believe that they are using or have used illegal drugs; or
c) When there is a report of drug use, provided by a reliable and credible source; or
d) Post –accident when there is any mishap or accident involving a County vehicle and/or caused by, or contributed to by an employee in which injury to a person or persons.

CHAPTER 6 – EMPLOYEE PERFORMANCE

Section A – Purpose of Evaluations

The performance evaluation program is intended to inform employees how well they are performing their work and how they can improve their work performance. The program is also intended to:

1) Be used as a guide for determining merit pay increases;
2) Be considered in selecting employees for promotion;
3) Provide essential information for employee career development;
4) Be used to transition an employee from probationary to regular status;
5) Be used in determining whether an employee's work is deficient as to warrant corrective action, up to and including dismissal.

Section B – Evaluation Program Policy

The Human Resources Director shall be responsible for the establishment and administration of a performance evaluation program for all employees of the Board. The performance evaluation shall be administered in a standard written form or electronically as prescribed by the Human Resources Director.

Section C – Evaluation Periods

1) Probationary Reviews – All part-time and full-time employees shall be evaluated at the end of their initial or extended probationary period.
2) Annual Reviews – All full-time and part-time employees shall be evaluated annually on their anniversary dates or the adjusted anniversary dates.

Section D – Evaluation Review Process

1) Evaluations shall be prepared by the immediate supervisor of each employee and reviewed by the

appropriate department director.
2) Supervisors must provide feedback on the evaluation forms in order for them to be considered complete.
3) The evaluator shall discuss each performance evaluation with the employee.
4) The employee, supervisor and department director shall sign the evaluation.

Section E – Evaluation Processing

1) Completed evaluations shall be forwarded to the Human Resources Department for processing at least 14 days prior to the effective date.
2) Performance Evaluation Forms will be maintained in the employee's permanent human resources record.

CHAPTER 7 –LEAVE

Section A – Holidays

1) Observed Holidays
   a) The Board of County Commissioners approves the holiday schedule annually.

Those eligible for paid holidays are full-time probationary or regular employees who have that date as a regularly scheduled workday. In order to receive pay for the observed holiday, an employee must have been present and/or on approved paid leave, on the workday before and after the holiday.

Section B – Annual Leave (Vacation)

1) Accrual of Annual Leave
   a) Employees classified as Full-Time, or Regular, earn the annual leave benefit. Continuous service is calculated from the date of original employment, with leave being accrued from that date. Annual leave cannot be taken until earned and per-approved through the appropriate supervisor. Employees regularly scheduled to work 40 hours per week (2080 hours per year) or 80 hours per two (2) weeks accrue annual leave based on years of service as follows:

Years of Service	Leave Accrued Per Year
0<5	104 hours annual leave per year
5<8	130 hours annual leave per year
8+	160.16 hours annual leave per year
	312.12 hours annual leave per year

2) Request for Leave

Leave request forms, properly executed for paid and unpaid leave time, must be turned in a minimum of seven (7) days in advance of the leave date. In the event of an emergency situation, the supervisor will handle the leave request on a case-by-case basis. All requests for paid leave must be signed by the employee and approved by the Division Director. The Board of County Commissioners Chairman shall approve all leave and travel requests for the County Administrator, County Attorney, and TDC Executive Director. Exempt employees must claim leave on their timesheets if they work less than 4 hours of an 8 hour workday or less than 5 hours of a 10 hour workday.

3) Payment for Unused Annual Leave

   a) One (1) year of service is required before any employee leaving the employment of the County can be paid for annual leave. Any employee leaving the employment of the County will be paid for their annual leave accrued, up to a maximum of 120 hours. In the event of a death of a County employee, the death payment of annual leave shall be made to the spouse or family as provided by Florida Statutes, Chapter 232.15 and in accordance with BCC policy.
   b) Continuous Service

i) Continuous service is defined as including those periods when an employee is on authorized paid leave. Employees on authorized leave (military, medical, or other) are credited for the leave time in determining the length of service for advancement to the higher accrued level.

Section C: Sick Leave

1) Paid sick leave is a benefit extended to provide the security of continued pay within certain limitations. Paid sick leave provides for a genuine need of the employee and is not an automatic entitlement to days off with pay. The employee shall call the supervisor or other designated employee prior to or at the beginning of the work day or work shift, when sick and unable to work.

2) Definition
   a) Sick leave is defined as:
   b) Illness, injury, incapacitation, or quarantine of the employee or immediate family.
   c) Routine medical, dental, or optical examinations that cannot be scheduled for the employee any time other than working hours.
   d) Part-time employees do not accrue sick leave.

3) Request for Sick Leave
   a) A request for sick leave will be submitted to the immediate supervisor. If prior approval is not requested, an employee must call their immediate supervisor for approval, within one-half (1/2) hour after the beginning of the work shift.
   b) Any sick leave taken must be reported on biweekly time sheet.

4) Unused Sick Leave
   a) Standard Sick Leave Payout Policy
      i) Upon separation, the employee may receive pay for one-half of their sick leave accrued up to a maximum payment of one hundred twenty (120) hours. Employees who are terminated for cause may not receive pay for sick leave.

5) Medical Certification

   For the following reasons, a medical certification signed by a licensed physician is required by the employee's department director to substantiate a request for sick leave:

   a) Any period of absence (due to illness) for three or more consecutive days requires a doctor's note.
   b) To support a request for FMLA leave.
   c) A fitness for duty report to return to work from leave when applicable.

Section D – Sick Leave Pool

1) Purpose

   The purpose of the sick leave pool is to permit eligible employees to pool portions of their sick leave benefits to members who have exhausted their leave.

2) Eligibility

   a) In order to be eligible for membership in the sick leave pool, an employee must:
      i) Be a full-time employee; and
      ii) Have completed six (6) months of employment with the Board prior to application for membership; and
      iii) Have a minimum of 48 hours of accumulated sick leave at the time of application for membership.
      iv) Must have exhausted all sick and annual leave hours before hours from the sick leave pool can be used.

b) Eligible employees can apply to join the sick leave pool during the annual open enrollment period.
   i) All employees should contact Human Resources for the enrollment form and for more information on the sick leave pool.
c) The County Human Resources Director shall serve on the sick leave pool committee and along with the Benefits Coordinator and the Director of Finance.
d) The maximum hours available for use in the sick leave pool is 1040.

3) Abuse of Sick Leave Pool Policy

Alleged abuse of the sick leave pool shall be investigated by the Human Resources Director, and, if warranted, the participating employee shall repay all sick leave credits drawn from the pool and may have his/her membership in the pool canceled by majority vote of the committee. In addition, the employee may be subject to disciplinary action.

Section E – Bereavement Leave

1) A maximum of 24 regularly scheduled and consecutive work hours with pay will be granted to a full-time employee when a death in the family occurs.
2) Immediate family is defined as the employee's spouse, parents or grandparents of either, children of either, guardians of either, brothers or sisters of either, or relatives residing in the same household.
3) You must notify your supervisor/department director of this bereavement leave so that your time will not be docked.
4) Evidence of death and funeral attendance may be required.

Section F – Family and Medical Leave Act (FMLA) Leave

The following information is intended to be used as a guide for FMLA leave. The Family and Medical Leave Act of 1993 as amended in 2008 is detailed and lengthy; all provisions contained therein shall apply to Walton County employees.

Pursuant to the Family and Medical Leave Act of 1993 (FMLA), the Walton County BCC shall grant Family and Medical Leave to eligible employees. Employees are eligible if they have worked for a covered employer for at least one year, and for 1,250 hours over the previous 12 months.
Please contact the Human Resources Department for more details on the FMLA policy.

Section G – Military Leave of Absence

The following information is intended to be used as a guide for military leave of absence. The Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) is detailed and lengthy; the provisions contained therein shall apply to Walton County employees.

1) Employees are eligible for military leave of absence when they are assigned (volunteered or ordered) to active or inactive duty in connection with U.S. Reserve Forces or the National Guard. A copy of the member's official orders should be submitted as much in advance of the leave as possible.

CHAPTER 8 – BENEFITS

Section A – Insurance

All regular full-time employees are eligible for group insurance benefits as provided by the Board. Dual employed family members on the insurance plan may not be paid for one to opt out of the plan.

Employees who terminate their employment have the option, at the time of their termination, of retaining their health insurance as set forth in the current health insurance benefit plan, under the COBRA law. Health insurance may also be retained under the provision of COBRA when a covered employee no longer qualifies for coverage due to a reduction in work hours.

Section B – Travel Expenses

1) Walton County employees should use County issued vehicles for county business and travel if at all possible. Attempts to use a County issued vehicle should be exhausted before proceeding with private vehicle use.
2) County employees shall be entitled to reimbursement for the use of their private vehicles and for expenses which they may incur while performing travel in conduct of County business.
3) Mileage reimbursement rates for travel by privately owned vehicles will be paid in accordance with the IRS optional standard mileage rate.
4) Department director travel out of the County must receive prior approval of the County Administrator or Deputy County Administrator.
5) Department directors can approve out of County travel for their employees.

Section C – Workers' Compensation

1) All county employees are covered by and are entitled to the benefits of the Florida Workers' Compensation Law.
2) All employees who sustain an injury arising out of, or in the course of, performing their duties with the County are responsible for immediately advising their supervisor and completing a "First Report of Injury Form."

The First Report of Injury Form, completed by the employee and signed by the supervisor and/or department director, and the Supervisor's Accident/Incident Investigation Report Form, completed by the employee's supervisor, should be forwarded to the Human Resources Department within 24 hours.

Section D – Retirement

1) Walton County BCC employees may be eligible to participate in the Florida Retirement System (FRS). Complete and up-to-date information on retirement is available; contact the Human Resources Department and/or FRS directly.
2) For those employees who are not eligible to participate in the Florida Retirement System (FRS), that employee may elect to contribute 3% of their gross income to an International County Managers Association (ICMA) 401(b) account. That payment shall be accomplished through **a** payroll deduction each pay period. If the employee elects to make such a contribution, the County will contribute to that employee's ICMA account a percentage equal to that which the County contributes to FRS for its regular employees.

Section E – Employee Assistance Program (EAP)

Walton County is committed to maintaining and strengthening our most important resources – our employees. In support of this tradition, the Board has initiated an Employee Assistance Program (EAP). We recognize that many kinds of personal and emotional problems which often affect job performance can be resolved more readily if they are properly identified, diagnosed and appropriately treated. Problems included under this program are marital, child or other family problems, persistent anxiety, substance abuse, stress problems, financial, or other distractive concerns. The establishment of the EAP will provide a confidential short-term counseling and referral service for eligible employees and their immediate family members. This EAP reflects the County's concern for the well-being of its employees as well as its dedication to the effective accomplishment of its goals.

The County encourages an employee who is experiencing problems to take it upon themselves to seek assistance from the EAP. For more information on the EAP, contact Human Resources.

CHAPTER 9 – POLITICAL ACTIVITIES

1) The law does not prohibit a state or local officer or employee from voting as desired or from expressing an individual opinion on political subjects and candidates. The law also does not prohibit an employee from voluntarily engaging in political management or campaigning. What is prohibited generally is coercing other employees to engage in such activity, and improper use of official authority or influence.

2) An employee may not:
   a) Take any part in a political campaign while on duty.
   b) Use his/her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office.
   c) Directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purposes.

3) Florida Statutes 99.012 or its successor in function places some restrictions on certain county employees qualifying for public office. County employees not affected by F.S. 99.012 may seek any elected position (municipal, county, state or federal) without resigning or taking a leave of absence, providing campaigning does not interfere with their normal job performance.

CHAPTER 10– TIME SHEETS

1) Time sheets will be prepared for all employees.
2) Inaccurate timesheets will result in paychecks being delayed.
3) Time sheets must be written in ink or electronically printed; no other will be accepted.
4) At the end of each pay period, the supervisor will check for accuracy.
5) The supervisor will sign all time sheets for employees under his/her supervision and employees will sign for themselves.

CHAPTER 11 – DISCIPLINARY ACTIONS

Section A – Policy

It is the policy of Walton County to:

1) Provide a well-defined system of discipline that sets forth standards of conduct and specific guidelines for disciplinary actions and which will be applied to all employees equitably, without bias or prejudice.

The Human Resources Department is designated as the official repository of all employee records. All disciplinary actions taken will be forwarded to the Human Resources Department for inclusion in the respective personnel files.

Section B – General Provisions

1) It is the intent of the County that discipline should be characterized as corrective and constructive rather than punitive and that disciplinary actions be utilized as an element of an overall program to educate and motivate employees to exhibit behavior that will contribute to individual growth and development and to the successful operation of county government.

2) Any County employee may be disciplined.

3) The need for disciplinary action may arise as a result of different kinds of action on the part of the employee, such as, but not limited to:
   a) Failure to perform his/her job in a satisfactory manner, that is, unsatisfactory performance as to one or more of the requirements of the job;
   b) Infraction of established rules, regulations, policies and procedures.
   c) Offenses or misconduct which violate general rules of behavior or are specifically prohibited by law.
   d) Being convicted of a felony or a misdemeanor.
   e) Being absent three (3) consecutive days without approval and without prior notification to the supervisor or division director.
   f) Excessive tardiness or absences.
   g) Incompetence, inefficiency, negligence, or failure to follow orders.
   h) Abuse, misuse or theft of public property, equipment facilities or supplies.

i) Willfully making false statements to supervisors, the BCC, or to the public, or falsification of records or misrepresentation of uniform, badge or position.
j) Violation of departmental rules, safety work habits, personnel or policy regulations, safety rules or County ordinances.
k) Possession, or use of alcoholic beverages or narcotic drugs (not prescribed by a physician) during working hours on County property or in a County vehicle.
l) Reporting to work under the influence of alcoholic beverages or narcotic drugs (whether or not prescribed by a physician) or any other drug, which affects the employee's ability to carry out their duties.
m) Acceptance of gratuity in violation of County policy and of Florida Statutes of Conduct and Ethics.
n) Political activity prohibited by law.
o) Violation of State and/or Federal Statutes and regulations pertaining to public employees.
p) Refusal to work overtime when necessary.
q) Conduct that is disruptive, insubordinate, antagonistic, offensive or injurious to the County whether in relation to co-workers, other employees, superiors, elected officials or general workers.
r) Failure to promptly report injuries or accidents through proper channels to supervisors.
s) When required by the job description, failure to maintain a valid driver's license.
t) Any gambling activity of any kind while on duty or while on County owned property.
u) Smoking in County buildings and/or County vehicles.

Section C – Application of Disciplinary Action

1) Although internal consistency in administering discipline is desirable, numerous factors should be considered in determining the appropriate level of discipline to be assessed at each successive step.
2) Some of the factors involved include time intervals between offenses, effectiveness of prior disciplinary actions, willingness to improve, overall work performance, job attitudes, and disciplinary actions previously taken with other comparable employees for similar offenses.
3) Some infractions may be more serious in one case, because of the employee's responsibilities than in another case.
4) A repetition of the same offense or other serious offenses indicates that more severe disciplinary measures should be administered.
5) Certain offenses are of such a serious nature that immediate discharge upon first offense is applicable. Prior to any action to dismiss an employee, the department director will contact the Human Resources Director and review that personnel file.
6) When circumstances permit, department directors are encouraged to pursue a philosophy of "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented for inclusion in the employee's human resources file.
7) Incidents of misconduct may differ in individual cases from somewhat similar incidents, and the county retains the right to treat each incident on an individual basis without creating a precedent for cases that arise in the future.
8) These provisions are not to be construed as a limitation upon the retained rights of the County, but are to be used as a guide.

CHAPTER 12 – GRIEVANCE PROCEDURE

Section A – Policy

Grievances

A grievance is defined as a formal complaint made by an employee when they feel the application of a rule, policy or procedure has been applied unjustly, or when some condition of employment is believed to be unfair or unjust.

If an employee believes a rule, policy or procedure has been applied unjustly, the following procedure may be used to resolve such concerns. The County has special grievance procedures to resolve such complaints. In order to use these procedures the employee must have completed their probationary period

and have attained permanent status. Employees covered by a collective bargaining agreement shall follow the procedure set forth in the agreement.

The following areas of personnel administration are considered management prerogatives and will not be subject to grievance:

1) Scheduling and assigning work, work hours and work stations.
2) Establishing work standards and quality.
3) Size of workforce and reorganizations.
4) Reductions to the work force.
5) Appropriations and budgets.
6) Scope of work within job classification except when an assignment is clearly determined not to be within the job classification.
7) Performance evaluations.
8) Salary scales and rates of pay falling within officially established ranges.
9) The right to discipline.
10) The missions of the County.

It is the responsibility of supervisory and management employees to hear and consider any valid employee grievance, and take necessary corrective action when indicated, or provide a reasonable explanation as to why the complaint is not justified.
Each employee has the responsibility to ensure any grievance filed is reasonable and based upon factual information and not abuse the purpose and intent of the system.

Section B - Disciplinary Actions

Pre-Disciplinary Hearings

When a supervisor has determined that an employee's actions may require discipline above a written reprimand, a pre-disciplinary hearing will be scheduled and the employee notified in writing at least 24 hours in advance. At the hearing, the supervisor explains the charges and the type of disciplinary action being considered. The employee will be given an opportunity to offer any contrary evidence, explanation and/or comments. The employee is notified of the decision after management discusses and decides upon the appropriate disciplinary action.

CHAPTER 13 –APPEAL PROCEDURE

Appeal Procedures (Employment Action)

For appeals concerning terms or conditions of employment or discipline up to and including a written reprimand, the decision of the director or division director is final and non-appealable.
For appeals concerning suspension with or without pay, demotion, involuntary reduction in pay or disciplinary probation, an employee who feels that he/she has a legitimate appeal shall first discuss it on an informal basis with their immediate supervisor. The employee should allow the supervisor sufficient time to review the matter and offer a response.

If the informal resolution process fails, the employee shall submit to the supervisor a written appeal, stating the facts of the complaint and the relief requested. The supervisor may have a meeting with the employee to discuss the appeal. The supervisor shall communicate a decision in writing to the employee within seven (7) calendar days following receipt of the written appeal.

If the appeal remains unresolved and the employee desires additional review, the employee shall submit it in writing to the division director within seven (7) working days after receipt of the supervisor's decision. The division director may have a meeting with the employee to discuss the appeal. The division director will provide a written response to the employee within seven (7) calendar days following receipt of the appeal.

If the appeal is not resolved by the division director and the employee desires additional review, the employee shall submit it in writing to the Human Resources Director within seven (7) calendar days after receipt of the division director's decision. The employee and the division director will meet with the Human Resources Director to discuss the grievance. The Human Resources Director may request additional information at this time including obtaining statements from other pertinent sources. The Human Resources Director will provide a written response to the employee within seven (7) days following receipt of the appeal.

If the appeal is not resolved by the Human Resources Director and the employee desires additional review, the employee shall submit it in writing to the County Administrator or their designee within seven (7) calendar days after receipt of the Human Resources Director's decision. The Human Resources Director will make arrangements for the employee to meet with the appropriate level of Executive staff or their designee and be given the opportunity to explain his/her position. After considering all the information, the County Administrator or their designee shall make a decision which shall be final. The County Administrator or their designee will provide a written response to the employee within seven (7) calendar days following receipt of the appeal.

Time Limits

Failure to initiate an appeal within the time limits indicated prohibits the employee's eligibility to participate in appeals process.

Failure at any step by the supervisor/department head of this procedure to communicate the decision of an appeal within the specified time limit shall permit the employee to proceed to the next step.

The number of days indicated at each step should be considered as a maximum and every effort should be made to expedite the process. However, the time limits specified in any step of this procedure may be extended, in any specific instance, by mutual written agreement.

General Provisions

If an appeal arises from the action of an official higher than the supervisor, the appeal may be initiated at the appropriate level/step, by submitting the appeal within the established time limit.

If an appeal meeting is held during the work hours of any required participant, such participant shall be excused without loss of pay for that purpose. Attendance at appeals meetings outside regular working hours shall not be deemed time worked.

The filing or pendency of any appeal under the provisions of the section shall in no way operate to impede, delay, or interfere with the right of the County to take the action complained of, subject to the final disposition of the appeal.

An employee who resigns from County employment forfeits the right to initiate or to process an appeal under the provisions of this section.

Nothing in this section shall be construed to prevent or discourage informal discussion between an employee and his/her supervisors on matters of concern to the employee.

The appeals procedure only applies to current employees for issues related to discipline.

CHAPTER 14– SEPARATIONS

All employees separating their employment will personally go to the Human Resources Department to process out. An employee may be separated from the service of Walton County by any one of the methods as described below.

Section A – Types of Separation from County Service

Separations and/or terminations from positions in the County service shall be designated as one of the

following types:

1) Resignation;
2) Layoff or Reduction in Force;
3) Disability;
4) Loss of License or Other Requirements;
5) Dismissal or Unsatisfactory Service Separation;
6) Retirement;
7) Death

CHAPTER 15 -Communications and Technology Policy

Telephones, cellular phones, voice mail systems, fax machines, tablets and computers, including electronic mail systems (e-mail) and Internet are provided for Walton County business use and personal use is prohibited.

Also prohibited is use of any of these systems to transmit or receive inappropriate messages, to access inappropriate information, or to harass or annoy another party. Inappropriate messages and information include but are not limited to, those that are for personal benefit and those involving discriminatory, hostile, suggestive, obscene, or otherwise unsuitable language and downloading of software onto the County's computers.

Internet Service/Access: The BCC believes in empowering the staff with resources necessary to complete their work as well as grow in their current positions. Therefore, we do not limit employee access to the internet as there are many resources such as state and local government websites as well as research sites that provide valuable tools to the staff.

It is the responsibility of each individual employee to utilize these resources in an effective, ethical, and lawful manner. Improper use of these resources could result in the immediate termination of internet service for the employee by his/her supervisor or approving authority, and will be subject to disciplinary action.

The IT Department does monitor internet activity. Any improper use is reported to the employee's director.

As an employee of a government organization, all messages, web pages, files, and other documents accessed using the Internet services are subject to Public Records Requests.

Email: The BCC uses email to manage internal affairs and communications on a daily basis. These records are subject to public records disclosure unless explicitly exempt by law.

All email users are responsible for the content of the messages they send. Each message should be courteous, professional, businesslike, and written in language and tone acceptable for general public review. Messages should never be transmitted that would create an atmosphere of discomfort for another person or that may be perceived as harassment.

Email Security: Users are responsible for the security and maintenance of their local area network password. In order to maintain security, passwords will be changed as prompted by network administrators. Users will not disclose their passwords to others or record/post their password where it can be viewed by others.

Email Access By Management: Management reserves the right to monitor and review all email content without the consent of the employee.

While emails generated for incidental personal purposes may not qualify as public record(s), BCC employees should not consider any email to be immune from review by management.

Personal Responsibility: Email, unless specifically exempted by Florida Statute, is a public record. Retention of email is a responsibility of both the sender and the receiver. Email messages originating within the BCC are

the responsibility of the originator. Therefore, email that is received from a sender within the BCC may be assumed to have been retained by the sender and may therefore be deleted. The receiver must retain email that originates outside the BCC and falls under the definition of a public record listed above. In addition, the receiver is responsible for assigning the appropriate retention tag to all email messages.

Retention: Each employee using the e-mail system is responsible for understanding this policy, applying the appropriate retention tag, and determining whether e-mail messages are personal, transitory, and/or public records. Each employee is responsible for the appropriate retention of e-mail.

Guidelines for the proper retention of documents as well as the destruction of documents are outlined by the Florida Department of State. Most of the records for BCC fall under General Records Schedule GS11.

Message management: Senders and receivers are responsible for the periodic deletion of personal and transitory messages so that the e-mail system is not overburdened.

Privacy: E-mail users should have no expectation of privacy in the content of their e-mail. All e-mail, whether personal, transitory, or public record, is subject to inspection by BCC Administration. Minor personal use is acceptable, but BCC e-mail systems should not be used for private business.

Violations: Violation of this policy may result in disciplinary action, including termination, in accordance with the policies and guiding principles.

CHAPTER 16 – SOCIAL MEDIA POLICY

The purpose of the Social Media and Digital Marketing Policy is to ensure the proper use of County social sites, web based marketing and technologies by establishing guidelines for County owned social media and marketing tools.

The term social media encompasses a broad spectrum of online activities which can evolve on a daily basis. Social networking on Twitter, Facebook, Linkedin, Google+, Vine, Snapchat, YouTube, Flickr, blogs and other platforms, as well as those not in existence at the time of the adoption of these guidelines, leave a virtual footprint – one that is immediate and is not easily erasable.

Publicly posted information must be professional as it reflects on Walton County, its elected officials, employees, volunteers, programs, policies and services. County social media accounts are not a substitute for or a replacement of available public information, or a platform for the expression of political speech and policy opinion or for the communication on any subject matter unrelated to the programs, regulations and services of the County.

All social media communications messages that are composed, sent or received on the County's IT equipment or used in official County business or representing Walton County, are the property of Walton County and are subject to public disclosure. Walton County reserves the right to not publish any posting or to remove it. All postings will be preserved as public record.

The County's website of www.co.walton.fl.us shall remain the primary and predominant Internet presence. The appropriate County uses of social media as tools fall generally into two categories:

- As channels for disseminating time-sensitive information as quickly as possible (example: emergency information).
- As marketing or outreach channels which increase the ability to broadcast messages and goals to the widest audience possible.

Social media content submissions should meet the goals and expectations of the County as a whole. Departments may not develop separate social media networks and all new sites must be approved by the County Administrator and County Attorney before they are created. Content should fall within the parameters of County policies and state and federal law, including copyright laws.

Postings on any official County social networking site must not violate any federal, state or municipal laws. For example, they may not"

- Reveal information about ongoing investigations
- Discuss deliberative materials
- Violate the regulatory process
- Circumvent Public Records & Open Meetings Laws
- Violate privacy, confidentiality or copyright
- Violate other legal issues that may not apply

All content on the county's social media sites are subject to the public records law, Chapter 119, Florida Statutes.

When using social networking sites, County postings will:

- Use appropriate language and not use discriminatory slurs, personal insults, obscenity, profanity, rudeness or engage in any communication that is not acceptable in the county's workplace.
- Demonstrate proper consideration for others' privacy.
- Not post topics that are considered objectionable or inflammatory.
- Not comment on business partners or their competitors' practices or services or use such as part of content added to a site.
- Not post material that could be construed as promoting private commercial interests.

CHAPTER 17 – WHISTLEBLOWER PROTECTION POLICY

The Board of County Commissioners is committed to providing a workplace and citizen service arena in which there is open discussion of operations and practices. Accordingly, anyone who has reason to believe the County is violating or not complying with state or federal statutes, rules or regulations is encouraged to report the concern to the County Administrator, any member of County management, or to a County Commissioner.

Any staff member, volunteer, vendor, or member of the public who reports suspected misconduct, fraud, or abuse will not be retaliated against for making the report.

The report will be investigated and even if determined not to be misconduct, fraud, or abuse, the individual making the report will not be retaliated against. There will be no punishment, retaliation or any other type of discrimination for reporting problems.

There are several ways to make a report:

- Submit the report verbally or in writing to the County Administrator; or
- Submit the report verbally or in writing to any member of management;

NOTE: Florida's "Whistle-blower's Act" provides protection against retaliatory action to those reporting information. See F.S. 112.3187 to 112.31895 for detail.

CHAPTER 18 – CONFLICT OF INTEREST

No employee or official shall have a direct or indirect financial, personal, business or other interest that conflicts, or appears to conflict, with public duties and responsibilities or engage in financial, personal, business, or other transactions as a result of relying on information obtained through employment. Florida Statutes, Chapter 112.311, provides penalties for Conflict of Interest violations. Any outside personal economic relationship which affords present or future financial benefits to an employee, his family, or to individuals with whom he has business or financial ties, may be considered a conflict of interest requiring an evaluation by the County Administrator and Finance Director. County employees and vendors are required to disclose any potential conflict to the Finance Director.

CHAPTER 19 – OUTSIDE EMPLOYMENT

Employment with Walton County will take precedence over any outside or secondary employment.
No employee shall engage in any outside employment or activity which interferes in any way with the full performance of job duties, or which reflects discredit on the County and its work force. Notice of outside employment should be submitted to Human Resources for approval. No regular status employee may receive payment for services from any other public or private organization receiving county connected local, state and/or federal financial support.

CHAPTER 20 – PERSONAL ACTIVITIES DURING WORK TIME

Personal activities must be accomplished before work, during lunch or after work, not on County time, and not in County vehicles. If an employee has an emergency and needs to accomplish a personal task during County time, the employee's supervisor is to be made aware of the situation and the employee will be charged for annual leave or sick leave.

CHAPTER 21 – LOYALTY OATH

Florida Law requires all County employees to take an Oath of Loyalty at the time they are hired. It is illegal for the County to issue a pay check to employees who have not signed a loyalty oath.

CHAPTER 22 – DRESS CODE AND APPEARANCE

The purpose of the policy is to further insure the safety and personal hygiene of each employee by reducing the risk of injury and/or illness through exposure as well as the issue of appropriate dress and grooming. Exceptions will be made for legitimate medical and/or religious reasons where appropriate.

No visible forms of jewelry may be worn in the facial area to include but not be limited to the nose, tongue, cheek, lip and eyebrow.

Employee are required to conceal tattoos which could be sexually harassing, racially, religiously or ethnically offensive.

The determination of specific, appropriate employee dress and personal appearance standards are the responsibility of management.

An employee not meeting the standards of this policy or the departmental operating procedures may be subject to disciplinary action, which may include requiring the employee to leave the premises. Employees will be required to use available Annual Leave and non-exempt employees will be required to use Leave without Pay for time missed because of failure to comply with the policy.

If uniforms are issued by the county, they should be worn to work. If an employee terminates employment, they should turn their county issued uniforms to their supervisor.

CHAPTER 23 – VEHICLE USE POLICY

It is the policy of Walton County that all possible measures be taken to ensure the safety of its employees, the public, and county property.

Operation of County Vehicles

1) It is necessary for many county employees to use county vehicles to carry out their duties. It is essential that these vehicles be used with utmost care and discretion at all times.
2) County employees are permitted to use county owned vehicles for the performance of their official duties only.
3) No employee shall use or allow the use of a county vehicle of any kind for other than officially approved activities. Misuse will not be tolerated and may be grounds for disciplinary action up to and including

recommendation for discharge.

4) Any employee driving a county vehicle outside the county shall obtain written prior approval from his or her supervisor. At the discretion of the BCC or their designee, designated employees on twenty-four (24) hour call, may be allowed at the end of a workday to drive their County assigned vehicle from their workstation to their home within Walton County.
5) Employees who are not subject to twenty-four (24) hour call will park their County vehicle at the nearest County facility at the end of the workday.
6) Anyone other than a county employee riding in a county vehicle must be doing so in the conduct of county business.
7) Any employee driving a county vehicle shall have on his/her person the necessary valid driver's license.
8) Any employee who loses their privilege to drive a vehicle, (has their driver's license suspended or revoked) must notify their department director and Human Resources immediately. Failure to do so may result in disciplinary action. When driving is a job requirement, loss of the privilege to drive a vehicle may result in dismissal from employment. A valid driver's license shall be exhibited by any employee upon demand of his/her superior, and a record of the license number shall become a permanent part of the employee's human resources file.
9) It is mandatory that all county vehicles be equipped with seat belts and that they be used with the vehicle is in operation.
10) All mechanical defects or malfunctions should be reported as soon as possible to the employee's department.
11) All county equipment must be operated in a conscientious and safe manner at all times.
12) If a county vehicle is involved in an accident, the employee shall notify the Police or Sheriff's department and his/her supervisor immediately. The supervisor will notify human resources and risk management and promptly comply with the post-accident drug test procedures and complete necessary first report of injury forms for worker's compensation if applicable.
13) Written reports of all county vehicle accidents will be placed in the human resources file of the employee(s) involved in the accident.

CHAPTER 24 – GENERAL CONDUCT

No employee shall engage in criminal, infamous, dishonest, immoral, or other conduct injurious or prejudicial to the County work force or the general public.

CHAPTER 25 – AUTHORITY OF COMMISSIONERS

No commissioner, acting on his or her own individual authority, may hire, transfer, raise the pay of, demote or terminate the employment of any county employee other than their respective aides or executive assistants. Such actions can only be accomplished after the approval of the appropriate Division Director or the County Administrator in accordance with established personnel policy.

Walton Board of County Commissioners
76 North 6th Street - DeFuniak Springs, FL 32433 - Phone: (850) 892-8155
http://www.co.walton.fl.us

WASHINGTON COUNTY

BOARD OF COUNTY COMMISSIONERS'

CODE OF ETHICS

"Local Government Lobbying Regulations – Look Who's Talking"
Presented by Andrew P. Lannon, City Attorney; Peter J. Sweeney, Jr., Deputy City Attorney; and Rodney A. Edwards, Assistant City Attorney; City of Palm Bay
Florida Association of County Attorneys, 2017 Midyear CLE Seminar Program
November 16, 2017, 4:10 p.m. to 5:00 p.m.

WASHINGTON COUNTY CODE OF ETHICS:

The Code of Ethics for Washington County are the statutory provisions of Chapter 112, Florida Statutes.

Please note that all highlighted information is referring to all Counties and Cities that have adopted a Lobbyists Ordinance

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3. Bay - Bayou George, Bear Creek, Callaway, Cedar Grove, Fountain, Hiland Park, Laguna Beach, Lynn Haven, Mexico Beach, Millville, Panama City, Panama City Beach, Parker, Rosemary Beach, Sand Hills, Sandy Creek, Southport, Springfield, West Bay, West Panama City Beach, Youngstown

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4. Bradford - Brooker, Hampton, Lawtey, Starke

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5. Brevard - Barefoot Bay, Cape Canaveral (Port Canaveral), Cocoa, Cocoa Beach, Grant, Indialantic, Indian Harbor Beach, Malabar, Melbourne, Melbourne Beach, Melbourne Village, Merritt Island, Micco, Palm Bay, Palm Shores, Rockledge, Satellite Beach, Suntree, Titusville, Valkaria, Viera, West Melbourne

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6. Broward - Coconut Creek, Cooper City, Coral Springs, Dania Beach, Davie, Deerfield Beach, Fort Lauderdale, Hallandale Beach, Hillsboro Beach, Hollywood, Lauderdale Lakes, Lauderdale-By-The-Sea, Lauderhill, Lazy Lake, Lighthouse Point, Margate, Miramar, North Lauderdale, Oakland Park, Parkland, Pembroke Park, Pembroke Pines, Plantation, Pompano Beach, Port Everglades, Sea Ranch Lakes, Southwest Ranches, Sunrise, Tamarac, West Park, Weston, Wilton Manors

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7. Calhoun - Altha, **Blountstown (County Seat)**, Broad Ranch, Carr, Chason, Chipola, Chipola Park, Clarksville, Cox, Frink, Henderson Mill,Kinard, Marysville, McNeal, Ocheesee Landing, Selman, Willis

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9. Citrus - Beverly Hills, Black Diamond, Citrus Hills, Citrus Springs, Crystal River, Floral City, Hernando, Homosassa Springs, Homosassa, Inverness, Lecanto, Pine Ridge, Sugarmill Woods

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31. Jackson - Alford, Bascom, Campbelltown, Cottondale, Cypress, Graceville, Grand Ridge, Greenwood, Jacob City, Malone, Marianna, Sneads, Two Egg

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46. Okaloosa - Baker, Crestview, Deerland, Destin, Escambia Farms, Fort Walton Beach, Holt, Lake Lorraine, Laurel Hill, Mary Esther, Niceville, Ocean City, Shalimar, Svea, Valparaiso

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47. Okeechobee - Basinger, Cypress Quarters, Fort Drum, Okeechobee, Taylor Creek, Up the Grove Beach

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48. Orange - Alafaya, Apopka, Bay Lake, Belle Isle, Bithlo, Christmas, Doctor Phillips, Eatonville, Edgewood, Fairway Shores, Goldenrod, Gotha, Hunter's Creek, Lake Buena Vista, Lockhart, Maitland, Meadow Woods, Oakland, Ocoee, Orlando, Orlovista, Pine Castle, Pine Hills, Southchase, South Apopka, Taft, Tangerine, Union Park, Wedgefield,Williamsburg, Windermere, Winter Garden, Winter Park, Zellwood

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49. Osceola - Campbell, Celebration, Champions Gate, Deer Park, Four Corners, Harmony, Holopaw, Intercession City, Kenansville, Kissimmee, Narc oossee, Poinciana, Reunion, St. Cloud, Yeehaw Junction

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50. Palm Beach - Aberdeen, Atlantis, Belle Glade, Belle Glade Camp, Boca Raton, Boynton Beach, Bryant, Canal Point, Cypress Lakes, Delray Beach, Golden Lakes, Golf, Greenacres, Hamptons at Boca Raton, Highland Beach, High Point, Juno Beach, Juno Ridge, Jupiter, Jupiter Inlet Colony, Kings Point, Lakeside Green, Lake Clarke Shores, Lake Harbor, Lake Park, Lake Worth, Lake Worth Corridor, Lantana, Loxahatchee Groves, Mission Bay, North Palm Beach, Okeelanta, Pahokee, Palm Beach Gardens, Riviera Beach, Royal Palm Beach, Royal Palm Estates, Sandalfoot Cove, South Bay, Tequesta, Twentymile Bend, Wellington, West Palm Beach

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51. Pasco - Aripeka, Bayonet Point, Crystal Springs, Dade City, Dade City North, Elfers, Gulf Harbors, Holiday, Hudson, Jasmine Estates, Lacoochee, Land O' Lakes, New Port Richey, New Port Richey East, Odessa, Port Richey, San Antonio, Shady Hills, Trinity, Wesley Chapel, Wesley Chapel South, Zephyrhills, Zephyrhills North, Zephyrhills South, Zephyrhills West

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52. Pinellas - Baskin, Bellair, Bellair Beach, Boca Ciega, Clearwater, Crystal Beach, Dunedin, East Lealman, East Lake, Feather Sount, Gandy, Gulfport, Indian Rocks Beach, Kenneth City, Largo, Madeira Beach, Oldsmar, Ozona, Palm Harbor, Pass-A-Grille Beach, Pinellas Park, Redington Shores, Ridgecrest, Safety Harbor, Seminole, South Highpoint, South Pasadena, St. Petersburg, St. Pete Beach, Sunset Beach, Tarpon Springs, Tierra Verde, Treasure Island, West Lealman

53. Polk - Auburndale, Babson Park, Bartow, Bowlinbg Green, Bradely Junction, Brewster, Combee Settlement, Crooked Lake Park, Crystal Lake, Cypress Gardens, Davenport, Dundee, Eagle Lake, Fort Meade, Frostproof, Fussels Corner, Gibsonia, Green Pond, Haines City, Highland Park, Highlands City, Hillcrest Heights, Indian Lake Estates, Jan Phyl Village, Inwood, Kathleen, Lake Alfred, Lake Hamilton, Lake Wales, Lakeland, Lakeland Highlands, Mulberry, Polk City, Willow Oak, Winter Haven, Wahneta, Waverley

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54. Putnam - Bardin, Crescent City, East Orange, East Palatka, Florahome, Fruitland, Georgetown, Hollister, Huntington, Interlachen, Lake Como, Melrose, Orange Mills, Palatka, Pomona Park, Putnam Hall, San Mateo, Satsuma, Welaka

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55. Santa Rosa - Avalon Beach, Bagdad, Gulf Breeze, Jay, Milton, Munson, Navarre, Pace

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56. Sarasota - Bee Ridge, Englewood, Gulf Gate Estates, Laurel, Nokomis, Northport, North Sarasota, Osprey, Sarasota, Sarasota Springs, Siesta Key, Southgate, South Venice, The Meadows, Vamo, Venice, Warm Mineral Springs

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57. Seminole - Altamonte Springs, Casselberry, Forest City, Geneva, Goldenrod, Heathrow, Lake Mary, Lake Monroe, Longwood, Oviedo, Sanford, Wekiva Springs, Winter Springs

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58. St Johns - Crescent Beach, Elkton, Fort Matanzas, Fruit Cove, Hastings, Marineland, Palm Valley, Ponte Vedra, Ponte Vedra Beach, St. Augustine, St. Augustine Beach, St. Augustine Shores, Switzerland, Vilano Beach

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59. St. Lucie - Fort Pierce, Fort Pierce South, Hutchinson Island, Lakewood Park, Port St. Lucie, Port St. Lucie-River Park, White City

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60. Sumter - Bushnell, Center Hill, Coleman, Lake Panasoffkee, Sumterville, Oxford, The Villages, Webster, Wildwood

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61. Suwannee - Branford, Dowling Park, Live Oak, McAlpin, O'Brien, Wellborn

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62. Taylor - Perry, Steinhatchee

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63. Union - Lake Butler, Raiford, Worthington Springs

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64. Volusia - Daytona Beach, Daytona Beach Shores, DeLand, DeBary, De Leon Springs, Deltona, Edgewater, Lake Helen, Orange City, Ormond Beach, Ormond-By-The-Sea, Holly Hill, New Smyrna Beach, Orange City, Osteen, Pierson, Port Orange, Seville

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65. Wakulla - Crawfordville, Medart, Panacea, Sopchoppy, Smith Creek, St. Marks, Wakulla

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66. Walton - DeFuniak Springs, Freeport, Miramar Beach, Paxton, Point Washington, Redbay, Santa Rosa Beach

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67. Washington - Chipley, Ebro, Greenhead, New Hope, Sunny Hills, Vernon, Wausau

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ALACHUA COUNTY

CHAPTER 68. - LOBBYIST REGISTRATION

Sec. 68.01. - Intent and purpose, legislative findings.

The county commission of Alachua County, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their county government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence county commissioners, on matters within its official jurisdiction, either by direct communication or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 2014-11, § 1, 6-10-14)

Sec. 68.02. - Definitions.

Agency means any federal, state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.

Clerk means the Alachua County Clerk of the Circuit Court.

Employer means any person providing compensation of any kind to a lobbyist in consideration for his or her performance of lobbying activities.

Lobbying means communicating directly or indirectly, either in person, by telephone or by letter, or any other form of communication, with any county commissioner, where the lobbyist seeks to encourage the passage, defeat, modification, or repeal of any item which may be presented for a vote before the county commission. Lobbying shall include communication occurring at a public meeting of the commission.

Lobbyist means a person who, for the purpose of lobbying, is:

(1) Retained, for monetary or non-monetary compensation;

(2) Employed by another person or entity principally to lobby on behalf of that other person or entity; or

(3) Who contracts for present or future economic consideration of any kind.

Person means any individual, business, corporation, association, firm, partnership, not-for-profit organization, or other organization or group.

(Ord. No. 2014-11, § 1, 6-10-14)

Sec. 68.03. - Registration of lobbyists required; registration statements.

(a) *Registration required.* All lobbyists, as defined herein, shall register with the clerk prior to engaging in any lobbying and annually by July 1st thereafter. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to

the registration statement. A lobbyist is required to promptly amend any filed registration statement if any information in the statement changes.

(b) *Required information.* Prior to engaging in lobbying, every lobbyist shall file with the clerk a registration statement containing the following information:

(1) The lobbyist's full name, residence address, business name, business address and nature of business.

(2) The full name and address of all persons on whose behalf the lobbyist will be lobbying.

(3) The general and specific subject matters which the lobbyist seeks to influence.

(4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of Alachua County. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

(5) A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required by paragraph (a) of this section.

(6) Each firm, corporation or other legal entity, may register in the name of such firm, corporation or legal entity, provided the registration shall list the names of all persons which may engage in lobbying.

(c) *Registration fee.* The clerk may charge a reasonable fee at the time of initial registration and each annual registration. There shall be no fee required for the filing of an amendment.

(d) *List of current lobbyists.* The clerk shall maintain a current list of registered lobbyists and the registration statements required under this section, all of which shall be open for public inspection.

(e) *Disclosure of registration.* Prior to engaging in a communication that is for the purpose of lobbying, a lobbyist shall disclose that he or she is a registered lobbyist and state on whose behalf the lobbyist is lobbying.

(Ord. No. 2014-11, § 1, 6-10-14)

Sec. 68.04. - Exceptions.

The following persons are not required to register as a lobbyist pursuant to this chapter:

(1) Any employee, public officer or appointee of an agency, acting in the normal course of his or her duties;

(2) An attorney, or any person, who represents a client in a quasi-judicial hearing before an agency, board, or commission who communicates on the record;

(3) Consultants under contract with Alachua County who communicate with commissioners regarding issues related to the scope of services in their contract;

(4) Those persons who, in their individual capacity and without compensation of any kind, merely communicate with the county commission for the purpose of self representation;

(5) Any person who appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant, funds or in-kind services.

(Ord. No. 2014-11, § 1, 6-10-14)

Sec. 68.05. - Penalties.

(a) If the county manager, or his or her designee, becomes aware of any person engaged in lobbying who has failed to comply with the requirements of this chapter, including the requirement to file an amended registration statement, he or she shall mail a notice of violation by certified mail, return receipt requested, to the person informing them of the requirements of this chapter, outlining the process by which they may comply with the chapter, and providing them with the right to contest the violation.

(b) There shall be no penalty assessed against a lobbyist the first time any registration statement for which the lobbyist is responsible, including an amended registration statement, is not filed. However, to receive the one-time penalty waiver, the registration statement must be filed within 14 days of receipt of the notice of violation.

(c) If the required registration statement is not filed within 14 days of receipt of the notice of violation, the matter will be brought before the commission for a hearing after reasonable notice. The lobbyist will be afforded notice of the hearing and an opportunity to be heard regarding the failure to comply with this chapter. At the conclusion of the hearing, the county commission may warn, reprimand, or censure the violator or may suspend or prohibit the violator from appearing on behalf of any employer before the commission for a period of time not to exceed one year. The county commission may also rescind the notice of violation if it deems appropriate.

(d) The intentional failure or refusal of any lobbyist to comply with any order of the commission suspending or prohibiting the lobbyist from lobbying shall subject the lobbyist to such civil remedies as the county may pursue, including injunctive relief.

(e) The validity of any action taken by the county commission shall not be affected by the failure of any person to comply with the provisions of this chapter.

(Ord. No. 2014-11, § 1, 6-10-14)

ALACHUA COUNTY (CITY OF GAINESVILLE)

Chapter 29 - LOBBYIST REGISTRATION ACT[1]

Footnotes:

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Editor's note— Prior to the reenactment of Ch. 29 by Ord. No. 070688, adopted July, 28, 2008, section 4 of Ord. No. 3777, adopted June 10, 1992, repealed former Ch. 29, which pertained to zoning and was derived from Ord. No. 2650, adopted Oct. 26, 1981, as amended. For a detailed listing of amendments to Ord. No. 2650 see the Code Comparative Table for Ordinances at the end of this volume.

Sec. 29-1. - Intent and purpose.

The city commission of the City of Gainesville, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their municipal government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence city commissioners or board members of the community redevelopment agency (CRA), on matters within their official jurisdictions, either by direct communication or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 070688, § 1, 7-28-08)

Sec. 29-2. - Definitions.

Agency means any federal, state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.

Employer means any person providing compensation of any kind to a lobbyist in consideration for his or her performance of lobbying activities.

Lobbying means communicating directly or indirectly, either in person, by telephone or by letter, or any other form of communication, with any city commissioner or board member of the CRA, where the lobbyist seeks to encourage the passage, defeat, modification, or repeal of any item which may be presented for a vote before the city commission or the CRA.

Lobbyist means any person who is employed and receives payment, or who contracts for present or future economic consideration of any kind, for the purpose of lobbying.

Person means any individual, business, corporation, association, firm, partnership, not-for-profit organization, or other organization or group.

(Ord. No. 070688, § 1, 7-28-08)

Sec. 29-3. - Registration of lobbyists required; registration statements.

(a) *Required information.* Prior to engaging in lobbying, every lobbyist shall file with the clerk of the commission a registration statement containing the following information:

(1) The lobbyist's full name, residence address, business address, and nature of business.

(2) The full name and address of his or her employer, if any.

(3) The general and specific subject matters which the lobbyist seeks to influence.

(4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Gainesville. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

(5) A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required by paragraph (a) of this section,

(b) *List of employers.* A lobbyist shall file, on an annual basis, a registration statement for each employer on whose behalf he or she lobbies before the city commission or the CRA.

(c) *List of current lobbyists.* The clerk of the commission shall maintain a current list of registered lobbyists and the registration statements required under this section, all of which shall be open for public inspection.

(Ord. No. 070688, § 1, 7-28-08)

Sec. 29-4. - Exceptions.

The following persons are not required to register as a lobbyist pursuant to this chapter:

(1) Any employee, public officer or appointee of an agency, acting in the normal course of his or her duties;

(2) An attorney, or any person, who represents a client in a quasi-judicial hearing before an agency, board, CRA or commission;

(3) Those persons who, in their individual capacity and without compensation of any kind, merely communicate with the city commission or board members of the CRA for the purpose of self representation;

(4) Any person who appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant, funds or in-kind services.

(Ord. No. 070688, § 1, 7-28-08)

Sec. 29-5. - Penalties.

(a) If the clerk of the commission, or their designee, becomes aware of any person engaged in lobbying who has failed to comply with the requirements of this chapter, he or she shall mail a notice of violation by certified mail, return receipt requested, to the person informing them of the requirements of this chapter, outlining the process by which they may comply with the chapter, and providing them with the right to contest the violation.

(b) There shall be no penalty assessed against a lobbyist the first time any registration statement for which the lobbyist is responsible is not filed. However, to receive the one-time penalty waiver, the registration statement must be filed within 14 days of receipt of the notice of violation.

(c) If the required registration statement is not filed within 14 days of receipt of the notice of violation, the matter will be brought before the commission for a hearing after reasonable notice. The lobbyist will be afforded notice of the hearing and an opportunity to be heard regarding the failure to comply with this chapter. At the conclusion of the hearing, the city commission may warn, reprimand, or censure

the violator or may suspend or prohibit the violator from appearing on behalf of any employer before the commission or the CRA for a period of time not to exceed one year. The city commission may also rescind the notice of violation if it deems appropriate.

(d) The intentional failure or refusal of any lobbyist to comply with any order of the commission suspending or prohibiting the lobbyist from lobbying shall subject the lobbyist to such civil remedies as the city may pursue, including the issuance of a civil citation and/or injunctive relief.

(e) The validity of any action taken by the city commission or the CRA shall not be affected by the failure of any person to comply with the provisions of this chapter.

(Ord. No. 070688, § 1, 7-28-08)

BROWARD COUNTY II

ARTICLE XIII. - LOBBYING ACTIVITIES[16]

Footnotes:

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Editor's note— Ord. No. 2001-15, §§ 1—9, adopted May 8, 2001, amended former Art. XIII, §§ 1-260—1-265, in it entirety to read as herein set out. Former Art. XIII pertained to similar subject matter and derived from Ord. No. 79-85, §§ 1—6, adopted Aug. 15, 1979.

Sec. 1-260. - Title; intent and purpose.

(a) Sections 1-260 through 1-266 of Chapter 1, Broward County Code, may be cited as the "Broward County Lobbyist Registration Act."

(b) The Board of County Commissioners of Broward County, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their county government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity, expenditures, fees, and activities of certain persons who engage in efforts to influence County Commissioners, decision-making bodies under the jurisdiction of the Board of County Commissioners, and certain County employees on matters within their official jurisdictions, either by direct communication to such Commissioners, decision-making bodies, or County employees, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 2001-15, § 1, 5-8-01)

Sec. 1-261. - Definitions.

As used in this article, unless the context otherwise indicates:

(a) *Board* means the Board of County Commissioners of Broward County, Florida.

(b) *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:

(1) Made on the record at a duly-noticed public meeting or hearing; or

(2) From an attorney to an attorney representing Broward County regarding a pending or imminent judicial or adversarial administrative proceeding against Broward County.

(c) *Person* means any individual, business, corporation, association, firm, partnership, organization, group, or other entity, whether operated for profit or not for profit.

(d) *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:

(1) An Elected Official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity;

(2) 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;

(3) An 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

(4) An employee, officer, or board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

(e) *Employer* means any person providing or agreeing to provide compensation of any kind to a lobbyist in consideration for his or her performance of lobbying activities.

(f) *Compensation* means paying or agreeing to pay or give, directly or indirectly, any money, anything of value, or reimbursement of expenses (in whole or in part), in consideration for the performance of lobbying activities.

(g) *Covered Individual* means (i) any member of the Board of County Commissioners; (ii) any member of a final decision-making body under the jurisdiction of the Board of County Commissioners; (iii) any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to any final decision-making authority regarding a County procurement; (iv) any employee of Broward County that has authority to make a final decision regarding a public procurement; and (v) the head of any department, division, or office of Broward County who makes final recommendations to a final decision-making authority regarding items that will be decided by the final decision-making authority.

(h) *Final Decision-Making Authority* means (i) the Board of County Commissioners; (ii) final decision-making bodies under the jurisdiction of the Board of County Commissioners; and (iii) any employee of Broward County that has authority to make a final decision to select a vendor or provider in connection with a public procurement.

(Ord. No. 2001-15, § 2, 5-8-01; Ord. No. 2009-34, § 1, 6-23-09; Ord. No. 2009-67, § 1, 10-13-09; Ord. No. 2011-19, § 4, 10-11-11)

Editor's note— Section 7 of Ord. No. 2011-19, enacted Oct. 11, 2011, which partially amended § 1-261, provided that no provision of said ordinance shall be applicable to Municipal Officials until January 2, 2012.

Sec. 1-262. - Lobbying registration, statements, and fees.

(a) Prior to engaging in any lobbying activities, whether or not compensation is paid or received in connection with those activities, each lobbyist shall:

(1) File with the County Administrator, in form prescribed by the County Administrator, an annual registration statement under oath containing the following information:

a. The lobbyist's full name, residence address, business name, business address, and nature of business.

b. The full name and address of all persons on whose behalf the lobbyist will be lobbying. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to the

registration statement in form prescribed by the County Administrator, containing all the information required in the annual registration statement.

c. The general and specific subject matters which the lobbyist seeks to influence.

d. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of Broward County. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

e. A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of the action providing such authorization shall be attached to the registration statements.

(2) Pay to the County Administrator's Office an annual Fifty Dollar ($50) registration fee for each employer, identified on an annual or amended registration statement, on whose behalf he or she intends to lobby, whether he or she was retained directly by the employer or by another Lobbyist retained by the employer. The registration fees required by this section shall be expended by the County Administrator's Office solely for the purpose of defraying the administrative costs of implementing, monitoring, and otherwise ensuring compliance with this section. A lobbyist, who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities.

(b) A lobbyist is required to promptly amend any filed registration statement if any information in the statement changes.

(c) Registration statements are effective from July 1 of a given year through June 30 of the following year. Registration fees paid under (a)(2) above cover lobbying activities during the effective period of the registration statement. A new registration statement shall be filed, and all required fees shall be paid, prior to engaging in any lobbying activities after expiration of a previously-filed registration statement.

(d) *Disclosure Statement Required.*

(1) On or before July 15 of each year, each lobbyist shall submit to the County Administrator's Office, in form prescribed by the County Administrator, a signed statement under oath, disclosing all lobbying expenditures, contingency fees, and the sources from which funds for making such expenditures and paying such contingency fees have come. The statement shall provide such information with respect to all lobbying activities undertaken from July 1 of the prior year through June 30 of the year in which such disclosure statement is required to be filed. Lobbying expenditures shall not include personal expenses for lodging, meals, and travel. A statement shall be filed even if there have been no expenditures during a reported period. A public official acting in his or her official capacity shall not be required to file the statement required by this subsection.

(2) The County Administrator shall provide for a procedure by which a lobbyist who fails to timely file a disclosure statement shall be notified and assessed fines. The procedure shall provide for the following:

a. Upon determining that the statement is late, the person designated to review the timeliness of the statement shall promptly notify the lobbyist as to the failure to timely file the statement and that a fine is being assessed for each late day. The fine shall be Fifty Dollars ($50) per day for each late day.

b. Upon receipt of the late-filed statement, the person designated to review the timeliness of the statement shall determine the amount of the fine due.

c. Such fine shall be paid within twenty (20) days after receipt of the notice of payment due, unless timely appeal is made to the Board.

d. A fine shall not be assessed against a lobbyist the first time any statement for which the lobbyist is responsible is not timely filed, provided all statements for which the lobbyist is responsible are filed within twenty (20) days after receipt of notice that any statements have not been timely filed. A fine shall be assessed for any subsequent late-filed statement.

e. Any lobbyist may appeal a fine, based upon unusual circumstances surrounding the failure to file by the designated due date, and may request and shall be entitled to a hearing before the Board, which shall have the authority to waive the fine in whole or in part for good cause shown. To be entitled to such appeal, the lobbyist must, within twenty (20) days after receipt of the notice of payment due, deliver a letter requesting a hearing to the person designated to review the timeliness of statements.

(e) *List of Current Lobbyists.* The County Administrator's Office shall keep a current list of registered lobbyists and their respective statements required under this article, all of which shall be open for public inspection.

(f) *Partial Year Filing Required.* Discontinuance of lobbying activities during a year shall not relieve the lobbyist of the requirement to file the statement required by subsection (d)(1) above for that portion of the year during which the lobbyist was engaged in lobbying activities.

(Ord. No. 2001-15, § 3, 5-8-01; Ord. No. 2009-34, § 2, 6-23-09; Ord. No. 2009-67, § 2, 10-13-09)

Sec. 1-263. - Prohibition on use of lobbying statements.

No information obtained from lobbying statements required by this article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. No. 2001-15, §§ 4, 5, 5-8-01)

Sec. 1-264. - Contingency fees; disclosure; penalties.

(a) "Contingency fee" means any consideration, including a fee, bonus, commission, or benefit, whether monetary or nonmonetary, as compensation for lobbying, which consideration is in any way dependent or contingent on the enactment, defeat, modification, or other outcome of any specific action of the Board.

(b) A lobbyist shall disclose any compensation received in the form of contingency fees in the disclosure statement filed pursuant to Subsection 1-262(d).

(c) In addition to the penalties provided in Section 1-265,any knowing or intentional violation of this section shall be punishable as provided by law.

(Ord. No. 2001-15, § 6, 5-8-01; Ord. No. 2009-67, § 3, 10-13-09)

Sec. 1-265. - Penalties.

(a) The County Attorney or County Administrator, or their designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the provisions of this act, and, in each such instance, shall conduct such investigation as he, she, or they shall deem necessary under the circumstances. The results of each investigation shall be reported to the Board.

(b) The Board shall warn, reprimand, as suspend, or prohibit the violator from appearing on behalf of any person before the Board or any decision-making body under the jurisdiction of the Board or from

otherwise lobbying for any person in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two (2) years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard. The penalties provided in this section shall be the exclusive penalties imposed for violations of this act, except as provided in 1-264(c). The intentional failure or refusal of any lobbyist to comply with any order of the Board suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall otherwise be subject to such civil remedies as the County may pursue, including injunctive relief.

(c) The validity of any action taken by the Board, County employees, or any decision-making body under the jurisdiction of the Board, shall not be affected by the failure of any person to comply with the provisions of this article.

(d) In addition to all other penalties in this section, an employer who has retained a lobbyist(s) to lobby in connection with a competitive solicitation shall be deemed non-responsive unless the employer, in responding to the competitive solicitation, certifies that each lobbyist retained has timely filed the registration or amended registration required under Section 1-262. If, after awarding a contract in connection with the solicitation, the County learns that the certification was erroneous, and upon investigation determines that the error was willful or intentional on the part of the employer, the County may, on that basis, exercise any contractual right to terminate the contract for convenience.

(Ord. No. 2001-15, § 7, 5-8-01; Ord. No. 2009-34, § 3, 6-23-09)

Sec. 1-266. - Cone of silence.

(a) *Definitions.* For purposes of this section, reference to one gender shall include the other, use of the plural shall include the singular, and use of the singular shall include the plural. The following definitions apply unless the context in which the word or phrase is used requires a different definition:

(1) *Affected Person* means any person, and that person's support staff, appointed, hired, designated, or authorized to evaluate, rank, recommend, or select a Vendor or a Vendor's response to a Competitive Solicitation or to make an award in a Competitive Solicitation process.

(2) *Competitive Solicitation* means a formal process by Broward County relating to the acquisition of goods or services, which process is intended to provide an equal and open opportunity to qualified persons and entities to be selected to provide the goods or services. The term shall not include a competitive process which seeks to enter into a contract or award money to perform governmental, quasi-governmental, social, or human services primarily for charitable, benevolent, humanitarian, or other philanthropic purposes, such as the award of grants or support assistance to organized nonprofit entities that promote or assist with the care, education, health, standard of living, or general welfare of people in the Broward County community, or that promote or assist community or neighborhood enhancements.

(3) *Cone of Silence* means a period of time during which there is a prohibition on communication regarding a particular Competitive Solicitation.

(4) *Evaluation* or *Selection Committee* means a group of persons appointed or designated by the County Administrator or the Director or head of a County office, agency, department, or division, or their designee, to evaluate, rank, select, or make a recommendation regarding a Vendor or the Vendor's response to the Competitive Solicitation.

(5) *Vendor* means a person or entity that has entered into or that lobbies to enter into a contract with Broward County, or that seeks an award from Broward County to provide goods, perform a service, render an opinion or advice, or make a recommendation related to a Competitive Solicitation for compensation or other consideration.

(6) *Vendor's Representative* means an owner, individual, employee, partner, officer, or member of the board of directors of a Vendor, or a consultant, lobbyist, or actual or potential subcontractor

or subconsultant who acts at the behest of a Vendor in communicating regarding a Competitive Solicitation.

(b) *Prohibited communication.* Except as set forth in subsection (e), a Cone of Silence shall be in effect during the course of a Competitive Solicitation as provided in subsection (c) between:

(1) Any person or entity, including a Vendor or Vendor's Representative, that seeks a contract, award, recommendation, or approval related to a Competitive Solicitation or that is subject to being evaluated or having its response evaluated in connection with a Competitive Solicitation, and

(2) Any County Commissioner, Commissioner's staff, the County Administrator, Deputy County Administrator, Assistant County Administrator, Assistants to the County Administrator, their respective support staff, any member of the Evaluation or Selection Committee appointed for the competitive solicitation, or Affected Person as defined in subsection (a)(1).

(c) *Effective dates.* A Cone of Silence shall begin and shall end for Competitive Solicitations within the scope of this Ordinance as follows:

(1) For any County Commissioner or the Commissioner's staff, a Cone of Silence shall be in effect during a Competitive Solicitation beginning upon the first meeting of the Evaluation Committee (for a Request for Proposals—RFP) or Selection Committee short listing (for a Request for Letters of Interest—RLI) or at the time of the opening of submissions in response to Invitations for Bids. For the County Administrator, Deputy County Administrator, Assistant County Administrator, Assistants to the County Administrator, their respective support staff, any member of an Evaluation or Selection Committee appointed for the competitive solicitation, or Affected Person as defined in subsection (a)(1), a Cone of Silence shall be in effect during a Competitive Solicitation upon the approval of the Selection Committee for a Request for Letters of Interest, upon the approval of the Evaluation Committee for a Request for Proposals, or at the time of advertisement for Invitations for Bids.

(2) The Cone of Silence shall terminate at the time the Board of County Commissioners or other authorized person makes final award or gives final approval of a contract, rejects all bids or responses to the Competitive Solicitation, or takes other action which ends the Competitive Solicitation.

(d) *Notice.* When the Cone of Silence becomes effective for a particular Competitive Solicitation, the Broward County Administrator or designee shall provide public notice of the effectiveness of this Ordinance to the Competitive Solicitation. The County Administrator shall also include a statement that generally discloses the requirements of this Ordinance in the public notice and, if any, the solicitation document for the goods or services.

(e) *Permitted communication.*

(1) Nothing in this section shall prohibit a County Commissioner, the County Commissioner's office personnel, and other County employees from communicating with each other.

(2) Nothing contained in this section shall prohibit a County Commissioner or the County Commissioner's office personnel from initiating contact with a Vendor or Vendor's Representative and subsequent communication related thereto for the purpose of obtaining further information regarding the Competitive Solicitation.

(3) The Cone of Silence shall not apply to communications with the County Attorney and his or her office personnel, the County Auditor and his or her office personnel, or with other County personnel, provided that such person is not a member of the Evaluation or Selection Committee appointed for the competitive solicitation or an Affected Person as defined in subsection (a)(1).

(4) Nothing contained in this section shall prohibit any Vendor or Vendor's Representative:

a. From making public presentations at pre-bid conferences or at a selection meeting related to the Competitive Solicitation;

b. From engaging in contract negotiations during a public meeting related to the Competitive Solicitation;

c. From making a public presentation to the County Commission during any public meeting of the Board;

d. From communicating with the person or persons designated in the Competitive Solicitation as the contact person for clarification or information related to the Competitive Solicitation; or

e. From communicating in writing as provided in subsection (5) below.

(5) The Director of Purchasing or designee shall accept written communications from a Vendor or Vendor's Representative during the time a Cone of Silence is applicable to a Competitive Solicitation. Such writing, including any response thereto, shall be provided to the person or the members of the applicable committee appointed or designated to recommend a Vendor for award . The writing shall also be attached to the Board agenda item for the award or for approval of the contract under the applicable Competitive Solicitation.

(f) *Violations.*

(1) A complaint alleging a violation of this ordinance may be filed with the County's Office of Intergovernmental Affairs and Professional Standards. In each such instance, an investigation shall be performed and the results of each investigation, including a determination of violation, if any, shall be set forth in a written report. If there is a determination of violation, a fine shall be imposed against the Vendor in the maximum amount provided in Subsection 8½-16(f)(34) of the County Code of Ordinances.

(2) A copy of the report and notice of the imposition of a fine, if any, as provided for in this subsection (f), shall be mailed, return receipt requested, to the Vendor and the person who has been investigated.

(3) A person or the Vendor who is determined by the Office of Intergovernmental Affairs and Professional Standards to have violated this Ordinance may appeal such determination within the time and in the manner provided in Section 21.120 of the Broward County Administrative Code. If the determination is appealed and a final decision is rendered by a hearing officer, the decision of the hearing officer shall be the final determination. If no appeal is timely filed or if no final determination is made by a hearing officer, the determination of the Office of Intergovernmental Affairs and Professional Standards shall be final.

(4) After a determination becomes final, a copy of the report or final decision of the hearing officer shall be furnished to the Board, the Vendor, and the person who was investigated. Notice and demand for payment of any fine imposed shall be included with the final determination.

(5) A determination of violation shall render any award to a Vendor who is found to have violated this Ordinance voidable, at the sole discretion of the Board.

(6) If a Vendor is determined to have violated the provisions of this Ordinance on three occasions, the Purchasing Director shall initiate debarment proceedings pursuant to Section 21-119 of the Broward County Administrative Code.

(Ord. No. 2001-15, § 8, 5-8-01; Ord. No. 2004-31, § 1, 8-24-01; Ord. No. 2007-09, § 1, 5-8-07; Ord. No. 2011-06, § 1, 3-8-11)

Sec. 1-267. - Registration of contacts.

All persons shall sign, at each time of contact, the contact logs maintained and available in the office reception areas of the Board of County Commissioners and each department of County Government. The person shall state his or her name; the name of each employer, if any, represented in the course of the

particular contacts; with whom the contact is made; and the topic of the contact. The contact logs shall be transmitted to the County Administrator at the end of each quarter.

(Ord. No. 2001-15, § 9, 5-8-01)

Secs. 1-268—1-275. - Reserved.

BROWARD COUNTY I

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, sec. 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. 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. Elected Officials shall not lobby any covered individual. Such lobbying is deemed to be in substantial conflict with the proper discharge of an Elected Official's duties in the public interest.

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 immediate family member or County or municipal office staff of an Elected Official shall lobby any covered individual or, except as permitted in the sentence immediately below, conduct business as a vendor or contractor with the local governmental entity served by the Elected Official. An immediate family member of an Elected Official may conduct business as a vendor or contractor with the local governmental entity served by the Elected Official where such activity is permissible under state law, provided that the Elected Official attests in writing, on a form filed for public inspection within fifteen (15) days after such attestation, that such immediate family member and the Elected Official do not share a primary residence, the immediate family member is not listed as a dependent on the Elected Official's most recently filed federal tax return, and that 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 Contribution Fundraising.

1. The solicitation of funds by an Elected Official for a nonprofit charitable organization, as defined under the Internal Revenue Code, is permissible so long as there is no quid pro quo or other special consideration, including any direct or indirect benefit between the parties to the solicitation.

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

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

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

5. Salary received by a Municipal Official from a nonprofit charitable organization employing the Municipal Official shall not be considered a quid pro quo or other special consideration for purposes of paragraph 1 above. Additionally, the disclosure requirement contained in paragraph 2 above shall not apply to Municipal Officials who are employed by a nonprofit charitable organization when soliciting charitable contributions on behalf of that organization.

b. Campaign Contribution Fundraising.

1. It is the intent of this code to promote the full and complete transparency of campaign contributions received by Elected Officials, consistent with the disclosure requirements provided by state statute.

2. Any campaign finance disclosure that an Elected Official must submit to the Supervisor of Elections, or to the appropriate municipal election official, in accordance with the provisions of Chapter 106, Florida Statutes, shall, contemporaneously, be filed 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.

3. Elected Officials who solicit campaign contributions for other candidates for public office shall disclose, on a form created by the Office of the County Attorney, the name of the candidate for whom they are soliciting, the location and date of any associated event, and both the name and contribution amounts of any individual who provided contributions, directly or indirectly, to the Elected Officials for subsequent delivery to the candidate. The form shall be filed for public inspection within fifteen (15) days after the solicitation of funds by the Elected Officials.

4. An Elected Official may not use any staff or other resources of his or her governmental entity 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 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. The prohibitions stated in the preceding paragraph shall also not apply to the hiring (or contractual procurement, in lieu of hiring) of individuals who report directly to a local governing body. Additionally, the prohibitions stated in the preceding paragraph shall not be interpreted as prohibiting any Elected Official from

attending 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 .jpg" 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 completed 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)

BROWARD COUNTY (CITY OF COCONUT CREEK)

ARTICLE XIII. - LOBBYISTS

Sec. 2-1000. - Intent and purpose.

The city commission of the City of Coconut Creek, Florida, hereby determines and declares that the intent and purpose of this article is to comply with the mandates of Broward County Ordinance No. 2011-19, which ordinance requires the registration of persons intending to lobby municipal elected officials.

(Ord. No. 2011-030, § 2, 12-8-11)

Sec. 2-1001. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Legislation means any ordinance, resolution, contract, bid award, action, decision or proposal of any kind that is the subject of present or prospective action by the city commission, a city board, or committee; or any action, decision or recommendation of the city manager or city staff regarding any legislation to be considered or foreseeably to be considered by the city commission, city boards, or committees.

Lobbying means communicating directly or indirectly, either in person, by telephone, letter, electronic means or other method, with the city commission members, city board members or committee members or the city manager or city staff for the purpose of influencing legislation or other official action. Lobbying does not include the activities of a person undertaken in connection with a request for information, the submission of an application for a city permit, making inquiries regarding such application or providing any information required to be submitted in support of such application. 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 the City of Coconut Creek regarding a pending or imminent judicial or adversarial administrative proceeding against the City of Coconut Creek.

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 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, any officer, or any board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

Person means any individual, business, corporation, association, firm, partnership, nonprofit organization or other organization or group.

Principal means a person who authorizes a lobbyist to act on their behalf as an agent to undertake lobbying.

(Ord. No. 2011-030, § 2, 12-8-11)

Sec. 2-1002. - Lobbying registration and statements.

(1) Registration required. Prior to engaging in lobbying activities, every lobbyist shall file with the city clerk and provide under oath the following information for each principal that the lobbyist represents:

   (a) The lobbyist's full name, business name and address, telephone number, fax number and email address as well as the nature of business, occupation, or profession.

   (b) The name, business name, business address and nature of the business, occupation or profession of the lobbyists' principal.

   (c) The general and specific subject matters that the lobbyist seeks to influence.

   (d) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Coconut Creek. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

(2) A lobbyist representing a person or entity shall, prior to engaging in lobbying, receive appropriate written authorization from said person or entity to lobby on that person's or entity's behalf upon a particular subject matter. A copy of the applicable documentation, including but not limited to letters, agreements, minutes, motions or other evidence of action authorizing the lobbyist to lobby on behalf of the person or entity shall be provided with the information required by this section.

   (a) Completed registration forms shall be public records and open to public inspection, copying, and in an on-line data base.

   (b) Each lobbyist who withdraws representation for a principal shall file with the city clerk notice of withdrawal as a lobbyist for that principal.

   (c) The city clerk's office shall maintain a current list of registered lobbyists and all documentation required under this article. The registration must be signed by the lobbyist and attested to under penalty of perjury. The city clerk may approve a form of registration consistent with this article, which shall be used in all cases, except where unavailable.

   (d) A lobbyist shall file a separate statement for each principal on whose behalf he or she lobbies.

   (e) An annual lobbyist registration fee may be established by resolution of the city commission. Such fee shall be for the purpose of providing funding to the city to offset the cost of recording, transcription, administration or any other costs incurred in compiling and maintaining these records and making them available to the public.

   (f) Registration will be yearly, running from October 1 to September 30 of each year, and shall be renewed for each year during which lobbying activities are to take place. Only one (1) annual registration form is required per principal. However, if any of the information required in the registration form is new or changed (for example, a new principal, or a new specific subject of lobbying), then the lobbyist must supplement or amend the registration before additional lobbying.

(Ord. No. 2011-030, § 2, 12-8-11)

Sec. 2-1003. - Statement of representation.

All persons engaging in lobbying activities shall make a statement of representation at the beginning of their conversation, presentation, letter, telephone call, e-mail or facsimile transmission or other method of communication with the city commission members, city board members or committee members or the city manager or city staff, stating the name of the principal for whom he or she is lobbying. In addition, the city clerk shall maintain a contact log, which shall contain all of the information required in section 2-1002, and shall be required every time a lobbyist meets with or intends on meeting with city commission members, city board members, or committee members.

(Ord. No. 2011-030, § 2, 12-8-11)

Sec. 2-1004. - Persons excluded.

The following persons shall not be required to register or make a statement of representation and shall not be prohibited from lobbying:

(1) Any person who in his or her individual capacity communicates with the city commission members, city board members or committee members or city manager or city staff for the purpose of self-representation without compensation or reimbursement for such communication, to express support of or opposition to any legislation.

(2) Any person who lobbies as a representative of a not-for-profit corporation or entity such as a homeowners association without compensation or reimbursement for the appearance.

(3) Any public officer, employee or appointee who only appears in his or her official capacity.

(4) Notwithstanding any provision to the contrary in this article, no person shall be required to register solely as a result of the fact that the person has spoken at any public hearing or public meeting in the City of Coconut Creek, Florida.

(Ord. No. 2011-030, § 2, 12-8-11)

Sec. 2-1005. - Penalties.

Violation of any provision of this article shall be punishable by reprimand, censure or a prohibition of the violator from lobbying the city commission members, city board members or committee members or the city manager or city staff for a period not to exceed two (2) years.

(Ord. No. 2011-030, § 2, 12-8-11)

BROWARD COUNTY (CITY OF CORAL SPRINGS) - ARTICLE X

Sec. 2-330. - Intent and purpose

The City Commission of the City of Coral Springs, Florida hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their city government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision making process, it is necessary that the identity and activities of certain persons who engage in efforts related to their official duties, either by direct communication to such city representatives or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 2010-107, § 2, 4-20-10)

Sec. 2-331. - Definitions

The following definitions shall apply unless the context clearly indicates or requires a different meaning.

Legislation. Any ordinance, resolution, contract, bid award, action, decision or proposal of any kind that is the subject of present or prospective action by the city commission, a city board or committee; or any action, decision or recommendation of the city manager or city staff regarding legislation to be considered or foreseeably to be considered by the city commission, city board, or committee. Legislation does not include hearings before a special magistrate in code enforcement.

Lobbying or *lobbying activities.* 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.

Lobbyist. 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.

Person. Any individual, business, corporation, association, firm, partnership, nonprofit organization or other organization or group.

(Ord. No. 2010-107, § 2, 4-20-10; Ord. No. 2012-103, § 2, 1-17-12)

Sec. 2-332. - Lobbying registration

(a) *Registration required.* Except as provided in section 2-334, prior to engaging in lobbying activities, every lobbyist shall file with the city clerk and provide under oath the following information:

(1) The lobbyist's full name, business address and name and nature of business, occupation or profession;

(2) The name, business address and name and nature of the business, occupation or profession of each of the lobbyists' principals;

(3) The general and specific subject matters that the lobbyist seeks to influence;

(4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Coral Springs. For purposes of this section, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation; and

(5) Any lobbyist representing a person shall, prior to engaging in lobbying, receive appropriate written authorization from said person to lobby on that person's behalf upon a particular subject matter. A copy of the applicable documentation, including but not limited to letters, agreements, minutes, motions or other evidence of action authorizing the lobbyist on behalf of the person shall be provided with the information required by this subchapter.

(b) Completed registration forms shall be public records and open to public inspection.

(c) Each person who withdraws as a lobbyist for a particular person shall file with the city clerk a notice of withdrawal as a lobbyist for that person.

(d) *List of current lobbyists.* The city clerk's office shall maintain a current list of registered lobbyists and all documentation required under this subchapter.

(e) *Registration fee.* An annual lobbyist registration fee may be established by resolution adopted by the city commission. Such fee shall be for the purpose of providing funding to the city to offset the cost of recording, transcription, administration or any other costs incurred in compiling and maintaining those records and making them available to the public.

(Ord. No. 2010-107, § 2, 4-20-10)

Sec. 2-333. - Statement of representation

All persons engaging in lobbying activities must make a statement of representation at the beginning of their conversation, presentation, letter, telephone call, e-mail or facsimile transmission or other method of communication with the city commission, city board or committee or any member thereof or the city manager or city staff, stating the name of the principal for whom he or she is lobbying.

(Ord. No. 2010-107, § 2, 4-20-10)

Sec. 2-334. - Reserved.

Editor's note— Ord. No. 2012-103, § 2, adopted January 17, 2012, repealed § 2-334, which pertained to persons excluded. See also the Code Comparative Table.

Sec. 2-335. - City commission disclosure

Prior to voting on any city commission decision, members of the city commission shall disclose any ex parte communication with any lobbyist.

(Ord. No. 2010-107, § 2, 4-20-10)

Sec. 2-336. - Penalties

Violation of any provision of this article shall be punishable by reprimand, censure or a prohibition of the violator from lobbying the city commission, city board or committee or any member thereof or the city manager or city staff for a period not to exceed two (2) years.

The validity of any action taken by the commission, city employees, or any decision-making body under the jurisdiction of the commission, shall not be affected by the failure of any person to comply with the provisions of this subchapter.

(Ord. No. 2010-107, § 2, 4-20-10)

BROWARD COUNTY (CITY OF DANIA BEACH)

ARTICLE XI. - LOBBYIST REGULATIONS

Sec. 2-230. - Definitions.

(a) The following terms, when used in the article, shall have the meaning ascribed to them in this article, unless the context indicates otherwise:

Contractor means any person or entity having a contract with the City of Dania Beach, Florida (the "city").

Covered individual means:

(i) Any member of the city commission of the city;

(ii) Any member of a final decision-making body under the jurisdiction of the city commission;

(iii) Any individual directly appointed to a city employment position by the city commission;

(iv) Any individual serving on a contractual basis as the city's chief legal counsel (i.e., city attorney) or chief administrative officer (i.e., city manager), when such individual is acting in his or her official capacity;

(v) Any member of a selection, evaluation, or procurement committee of the city that ranks or makes recommendations to any final decision-making authority regarding a city procurement;

(vi) Any employee, official, or member of a committee of the city that has authority to make a final decision regarding a public procurement; and

(vii) The head of any department, division, or office of the city government who makes final recommendations to a final decision-making authority of the city regarding items that will be decided by the final decision-making authority of the city.

Elected official means any member of the city commission of the city.

Filed for public inspection means that a lobbyist registration form is completed legibly and is filed with the city clerk, with a copy of the form or all information contained on it placed into the city's governmental database, which database shall be searchable by internet.

Final decision-making authority means:

(i) The city commission;

(ii) The mayor;

(iii) Final decision-making bodies under the jurisdiction of the city commission;

(iv) Any employee, official, or committee of the city who or which has authority to make a final decision to select a vendor or provider in connection with a public procurement by the city; and

(v) Any other quasi-judicial boards, appointed boards, and commissions of the city.

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 the city regarding a pending or imminent judicial or adversarial administrative proceeding against the city.

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.

(b) All operative words or terms used in this article not defined in this ordinance shall be as defined, in order of priority in the event of inconsistency, by F.S. Pt. III Ch. 112, the Broward County Code of Ordinances, and the Broward County Administrative Code.

(Ord. No. 2012-019, § 3, 8-14-12)

Sec. 2-231. - Lobbyist registration.

(a) Prior to engaging in any lobbying activities, whether or not compensation is paid or received in connection with those activities, each lobbyist shall:

(1) File with the city clerk, in a form prescribed by the city clerk, an annual registration statement under oath containing the following information:

a. The lobbyist's full name, residence address, business name, business address, email address, and nature of business.

b. The full name and address of all persons on whose behalf the lobbyist will be lobbying. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to the registration statement in a form prescribed by the city clerk, containing all the information required in the annual registration statement.

c. The general and specific subject matters which the lobbyist seeks to influence.

d. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of city. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

e. A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from such group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other written documentation of the action providing such authorization shall be attached to the registration statement.

f. A lobbyist representing a principal or employer shall file a copy of a written statement of the principal or employer confirming authorization to lobby for the principal or employer.

(2) Pay to the city clerk's office an annual one hundred dollars ($100.00) registration fee for each principal or employer, identified on an annual or amended registration statement, on whose

behalf he or she intends to lobby, whether he or she was retained directly by the principal or employer or by another lobbyist retained by the principal or employer. The registration fees required by this section shall be expended by the city clerk's office solely for the purpose of defraying the administrative costs of implementing, monitoring, and otherwise ensuring compliance with this section. A lobbyist, who is lobbying as a volunteer for a non-profit organization, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities, but shall be required to register.

(b) A lobbyist is required to promptly amend any filed registration statement if any information in the statement changes.

(c) Registration statements shall cover the time period of January 1 of a given year through December 31 of the same year. Registration fees paid under (a)(2) above cover lobbying activities during the effective period of the registration statement. A new registration statement shall be filed, and all required fees shall be paid, prior to engaging in any lobbying activities after expiration of a previously-filed registration statement.

(d) Disclosure statement required.

(1) On or before January 15 of each year, each lobbyist shall submit to the city clerk's office, in a form prescribed by the city clerk, a signed statement under oath, disclosing all lobbying expenditures, and the sources from which funds for making such expenditures have come. The statement shall provide such information with respect to all lobbying activities undertaken from January 1 of the prior year through December 31 of that year. Lobbying expenditures shall not include personal expenses for lodging, meals, and travel; provided however, that any such expenses and any other costs incurred solely in connection with lobbying activities must be submitted. A statement shall be filed even if there have been no expenditures during a reported period. A public official acting in his or her official capacity shall not be required to file the statement required by this subsection.

(2) The city clerk shall provide for a procedure by which a lobbyist who fails to timely file a disclosure statement shall be notified and assessed fines. The procedure shall provide for the following:

a. Upon determining that the statement is late, the person designated to review the timeliness of the statement shall promptly notify the lobbyist as to the failure to timely file the statement and that a fine is being assessed for each late day. The fine shall be fifty dollars ($50.00) per day for each late day.

b. Upon receipt of the late-filed statement, the person designated to review the timeliness of the statement shall determine the amount of the fine due.

c. Such fine shall be paid within twenty (20) days after receipt of the notice of payment due, unless timely appeal is made to the city commission.

d. A fine shall not be assessed against a lobbyist the first time any statement for which the lobbyist is responsible is not timely filed, provided all statements for which the lobbyist is responsible are filed within twenty (20) days after receipt of notice that any statements have not been timely filed. A fine shall be assessed for any subsequent late-filed statement.

e. Any lobbyist may appeal a fine, based upon unusual circumstances surrounding the failure to file by the designated due date, and may request and shall be entitled to a hearing before the city commission, which shall have the authority to waive the fine in whole or in part for good cause shown. To be entitled to such appeal, the lobbyist must, within twenty (20) days after receipt of the notice of payment due, deliver a letter requesting a hearing to the person designated to review the timeliness of statements.

(e) List of current lobbyists. The city clerk's office shall keep a current list of registered lobbyists and their respective statements required under this article, all of which shall be open for public inspection.

The city clerk shall routinely provide a copy of the lobbyist registration list to city commission members.

(f) *Partial year filing required.* Discontinuance of lobbying activities during a year shall not relieve the lobbyist of the requirement to file the statement required by subsection (d)(1) above for that portion of the year during which the lobbyist was engaged in lobbying activities.

(Ord. No. 2012-019, § 3, 8-14-12)

Sec. 2-232. - Reporting of lobbying activities.

(a) To promote full and complete transparency, lobbyists and their principals or employers who intend to meet or otherwise communicate with a city commissioner for the purpose of engaging in lobbying activities, either at the commissioner's offices or elsewhere on the city government's premises, must legibly complete a contact log, listing each city commissioner with whom the lobbyist, principal, or employer meets or intends on meeting or communicating.

(1) The information stated on the contact log shall include the lobbyist's name; the name of the entity or person by which or by whom the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of any principal or employer of the lobbyist who is present at any meeting at which the communication is made; the name of each city commissioner with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting.

(2) The contact log shall be completed contemporaneously with the meeting(s) and shall be filed for public inspection with the office of the city clerk.

(b) To further promote full and complete transparency, city commissioners must disclose any and all lobbying activity that knowingly occurs between themselves and individual lobbyists, their principals or employers outside of the city premises. This shall include communicating by any form of telephonic or electronic media.

(1) The disclosure shall include the lobbyist's name; the name of the entity or person by which or by whom the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of any principal or employer of the lobbyist who is present at any meeting at which the communication is made; the date, time, and location of the meeting; and the specific purpose and subject matter of the meeting.

(2) The disclosure shall be made within ten (10) business days of the lobbying activity, but must, in any event, be made prior to any vote on a matter that was the subject of the lobbying activity.

(3) The disclosure shall be filed for public inspection with the office of the city clerk.

(Ord. No. 2012-019, § 3, 8-14-12)

Sec. 2-233. - Penalties; enforcement.

(a) The city clerk, or designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the provisions of section 2-231, and, in each such instance, shall conduct such investigation as he, she, or they shall deem necessary under the circumstances. The results of each investigation shall be reported to the city commission.

(b) The commission shall warn, reprimand, suspend, or prohibit the violator from appearing on behalf of any person before the city commission or any decision-making body under the jurisdiction of the city commission or from otherwise lobbying the city for any person in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two (2) years, and any of such sanctions shall not be imposed unless the lobbyist (or the principal or employer of the lobbyist, as applicable) allegedly in violation has been afforded reasonable notice and an opportunity

to be heard. The penalties provided in this section shall be the exclusive penalties imposed for violations of section 2-231, except as provided in section 2-231(d). Further, the intentional failure or refusal of any lobbyist to comply with any order of the city commission suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall otherwise be subject to such civil remedies as the city may pursue, including injunctive relief.

(c) The validity of any action taken by the city commission, city employees, or any decision-making body under the jurisdiction of the city commission, shall not be affected by the failure of any person to comply with the provisions of this article.

(d) In addition to all other penalties in this section, a principal or employer who has retained a lobbyist(s) to lobby in connection with a competitive solicitation shall be deemed non-responsive unless the principal or employer, in responding to the competitive solicitation, certifies that each lobbyist retained has timely filed the registration or amended registration required under section 2-233. If, after awarding a contract in connection with the solicitation, the city learns that the certification was erroneous, and upon investigation determines that the error was willful or intentional on the part of the principal or employer, the city may, on that basis, exercise any contractual right to terminate the contract for convenience.

(e) Except where a specific penalty or sanction is otherwise provided for above in this article XI, this article XI shall be subject to enforcement under the Local Government Code Enforcement Act, F.S. Ch. 162, as amended, and section 1-8 of the City Code, as amended. Enforcement may also be by suit for declaratory, injunctive or other appropriate relief in a court of competent jurisdiction. The city expressly reserves its right, power and authority to act as the civil or administrative agency having jurisdiction concerning an alleged violation of this article XI, and this reservation shall serve to fully preserve city's investigative and enforcement authority.

(Ord. No. 2012-019, § 3, 8-14-12)

Sec. 2-234. - Certain county code amendments.

In the event that the county code is subsequently amended to require a disclosure log of lobbyist meetings, or communications with other covered individuals of the city, or both, as that term "covered individuals" is defined in this article, beyond that which is required by section 2-232(a), the provisions of section 2-232 shall be deemed to be amended accordingly so as to include those additional disclosure log requirements as to other covered individuals of the city.

(Ord. No. 2012-019, § 3, 8-14-12)

BROWARD COUNTY (CITY OF DAVIE)

ARTICLE IV. - REGISTRATION OF LOBBYISTS

Sec. 2-56. - Intent and purpose.

The town council of the Town of Davie determines and declares that, to maintain the integrity of the government decision making process, the Town of Davie Councilmembers, staff and residents have a legitimate need to know certain information about the activities of "lobbyists", as defined in this article. The town council also finds that "lobbying", as defined in this article, is a legitimate form of free speech, which is frequently an important and necessary part of the legislative process. As such, this article seeks to impose the least burden which is reasonably necessary on lobbyists, in order to satisfy this public need for information.

(Ord. No. 98-44, § 1, 10-21-98; Ord. No. 2012-17, § 1, 8-15-12)

Sec. 2-57. - Definitions.

[The following terms, when used in this article, shall have the meanings ascribed to them in this section, except where context clearly indicates a different meaning:]

Candidate means an individual who is conducting a campaign for a elected office in the Town of Davie, Florida.

Campaign means the election process for any elected municipal official whether opposed or not and whether a special or regular election, beginning with the date of officially filing for office with the town clerk and ending with the last day of voting which finally determines the outcome of the election.

Covered individual means (i) any member of the Town of Davie Council; (ii) any member of a final decision-making body under the Town of Davie; (iii) any individual directly appointed to a town employment position by the town council; (iv) any individual serving on a contractual basis as the town attorney or town administrator, when such individual is acting in his or her official capacity; (v) any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to the town council regarding a municipal procurement; (vi) any employee, any official, or any member of a committee of the town that has authority to make a final decision regarding a public procurement; and (vii) the head of any department, division, or office of the town who makes final recommendations to the town council regarding items that will be decided by the final decision-making authority. For purposes of the prohibition on lobbying [as defined herein], "covered individual" also includes members of other local governmental entities within Broward County, including authorities, quasi-judicial boards, appointed boards, and commissions.

Economic consideration means something of actual monetary value.

Elected official means any member of the Town of Davie Town Council and any municipal official as defined below.

Immediate family means either a father, mother, sister, brother, child, spouse or person residing in the same residential unit.

Legislation means any ordinance, resolution, or proposal of any kind which is the subject of present or prospective action by the town council.

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.

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:

(1) An elected official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.

(2) 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.

(3) 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

(4) 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.

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.

Ordinance means the Town of Davie, Florida, Ordinance for the Registration of Lobbyists.

Person means any individual, business, corporation, association, partnership, governmental agency or other association recognized as a legal entity pursuant to Florida law.

Principal means the person for or upon whose behalf the lobbyist is lobbying.

Registration means providing the information required by this article, in writing, annually, and in supplements and amendments, as may be required. "Register" means to provide a registration in such a manner.

Town means the Town of Davie, Florida.

(Ord. No. 98-44, § 1, 10-21-98; Ord. No. 2012-17, § 1, 8-15-12)

Sec. 2-58. - Required; information to be filed.

(a) Prior to engaging in lobbying activities, every lobbyist shall register with the town by filing with the town clerk the following information in writing:

(1) The name, address and telephone number of the lobbyist is required on every, amended, and supplemental registration. The "address" must be a physical address (e.g. not a post office box) where the lobbyist either resides or customarily does business.

(2) The nature and extent of any business, professional or familial relationship which the lobbyist, or any member of the lobbyist's immediately family, has had with any municipal official, or member of the immediate family of any municipal official within the period of time commencing twenty-four (24) months prior to registration and extending through the date of registration. No disclosure would be required of any such relationship existing prior to the effective date of this article.

(3) The nature and extent of any involvement, activity or assistance, whether paid or voluntary, by any lobbyist, or any member of the lobbyist's immediate family, with the current or the most recent campaign of any current elected municipal official, or current candidate for town council.

(4) Name, address and phone number of the lobbyist's principal(s), if known at the time of registration. The "address" must be a physical address (e.g. not a post office box) where the principal either resides or customarily does business.

(5) The general and specific matters upon which the lobbyist intends to lobby, if known at the time of registration.

(b) There shall be a fee in the amount of fifty dollars ($50.00) charged by the town, for each principal represented and by each lobbyist. Such fee shall cover the cost of registering and maintaining a database of lobbyists as required by the Broward County Code of Ethics for Elected Officials. Said fee may be amended as needed by resolution.

(c) The registration information, and any supplement or amendment shall be filed in the town clerk's office. The registration must be signed by the lobbyist and attested to under penalty of perjury. The town clerk may approve a form of registration consistent with this article, which shall be used in all cases, except where unavailable.

(d) Registration will be yearly, running from October 1 to September 30 of each year, and shall be renewed for each year during which lobbying activities are to take place. Only one (1) annual registration form is required, per principal, per lobbyist. However, if any of the information required in the registration form is new or changed (for example, a new principal, as defined by this article, or a new specific subject of lobbying), then the lobbyist must supplement or amend the registration before additional lobbying.

(e) Notwithstanding any provision to the contrary in this article, no lobbyist shall be required to register only because the lobbyist has spoken at any public hearing or public meeting of the Town of Davie.

(Ord. No. 98-44, § 1, 10-21-98; Ord. No. 2012-17, § 1, 8-15-12)

Sec. 2-59. - Conduct of principals and town council.

(a) Any principal who retains a lobbyist(s) in the town shall take reasonable measures to supervise and monitor its lobbyist(s) to insure compliance with this article.

(b) Any councilmember who has actual knowledge and recollection of a lobbyist who fails to register as required in this article, or of a lobbyist who makes a material misrepresentation in registration shall disclose same in writing to the town clerk as soon as reasonably practical. Failure to make such disclosure shall subject the councilmember to a penalty as provided for in subsection 2-61(a). Nothing in this section shall require any inquiry by any councilmember to ascertain the compliance by any person with this article, nor does this section imply that any councilmember is required to remember all of his or her past dealings with lobbyists.

(Ord. No. 98-44, § 1, 10-21-98; Ord. No. 2012-17, § 1, 8-15-12)

Sec. 2-60. - General construction.

(a) Examples and section headings are provided for clarity and for purposes of illustration only. Examples are not intended to imply that the illustration is the sole or exclusive possibility.

(b) All language and terms in this article shall be construed according to the definitions contained in the article. If there is no explicit definition in this article, then the language or term shall be construed according to the ordinary legal meaning in Florida; or if there is no ordinary legal meaning in Florida, then according to the ordinary and reasonable meaning to residents of the town.

(c) Lobbyist registrations must be true and accurate for matters of which the lobbyist has actual knowledge, or which the lobbyist may ascertain through reasonably diligent inquiry.

(Ord. No. 98-44, § 1, 10-21-98; Ord. No. 2012-17, § 1, 8-15-12)

Sec. 2-61. - Penalties.

(a) A "penalty" in this article means the penalties specified in the Town of Davie Code of Ordinances, section 1-9 ("General penalty; continuing violations"); or in the event said section 1-9 is repealed or superseded, the general penalty specified by Town of Davie Code of Ordinances for violations of the Town of Davie Code of Ordinances. However, notwithstanding any language to the contrary in the general Code provisions for penalties, the maximum penalty for violation of this lobbyist ordinance shall not exceed five hundred dollars ($500.00). This article shall be enforced by issuance of a notice to appear in county court as authorized by F.S. § 162.22, as it may be amended from time to time.

(b) Any lobbyist who fails to register or willfully violates this article shall be subject to a penalty, as provided in subsection (a) above; and additionally shall be subject to imposition by the town council of a prohibition of further lobbying in the town for up to one (1) year.

(c) Any councilmember or principal who knowingly and willfully directs or permits a lobbyist to violate this article shall be subject to a penalty as provided in subsection 2-61(a).

(Ord. No. 98-44, § 1, 10-21-98; Ord. No. 2012-17, § 1, 8-15-12)

Secs. 2-62—2-70. - Reserved.

BROWARD COUNTY (CITY OF FORT LAUDERDALE)

ARTICLE VIII. - LOBBYING ACTIVITIES

Sec. 2-260. - Intent and purpose.

The City Commission of the City of Fort Lauderdale, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their city government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence covered individuals, as set forth in the Broward County Code of Ordinances, section 1-19, Code of Ethics for Elected Officials, be publicly and regularly disclosed.

(Ord. No. C-00-27, § 1, 6-6-00; Ord. No. C-11-42, § 1, 1-5-12)

Sec. 2-261. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Lobbying or *lobbying activities* shall be defined as in the Broward County Code of Ordinances, section 1-19, Code of Ethics for Elected Officials.

Lobbyist shall be defined as in the Broward County Code of Ordinances, section 1-19, Code of Ethics for Elected Officials.

Person means any individual, business, corporation, association, firm, partnership, nonprofit organization or other organization or group.

(Ord. No. C-00-27, § 1, 6-6-00; Ord. No. C-11-42, § 2, 1-5-12)

Sec. 2-262. - Lobbying registration and statements.

(a) *Registration required.* Prior to engaging in lobbying activities, every lobbyist shall file with the city clerk the following information:

(1) The lobbyist's full name, business address and name and nature of business, occupation or profession.

(2) The name, business address and name and nature of the business, occupation or profession of each of the lobbyists' principals.

(3) The general and specific subject matters that the lobbyist seeks to influence.

(4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Fort Lauderdale. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

(5) A lobbyist representing a person shall, prior to engaging in lobbying, receive appropriate written authorization from said person to lobby on that person's behalf upon a particular subject matter. A copy of the applicable documentation, including but not limited to letters, agreements, minutes, motions or other evidence of action authorizing the lobbyist to lobby on behalf of the person shall be provided with the information required by this article.

(b) Completed registration forms shall be public records and open to public inspection.

(c) Each person who withdraws as a lobbyist for a particular person shall file with the city clerk notice of withdrawal as a lobbyist for that person.

(d) *List of current lobbyists.* The city clerk's office shall maintain a current list of registered lobbyists and all documentation required under this article.

(e) *List of principals.* A lobbyist shall file a separate statement for each principal on whose behalf he or she lobbies.

(f) *Registration fee.* An annual lobbyist registration fee may be established by resolution adopted by the city commission. Such fee shall be for the purpose of providing funding to the city to offset the cost of recording, transcription, administration or any other costs incurred in compiling and maintaining these records and making them available to the public.

(Ord. No. C-00-27, § 1, 6-6-00; Ord. No. C-07-111, § 1, 12-18-07 ; Ord. No. C-11-42, § 3, 1-5-12)

Sec. 2-263. - Statement of representation.

All persons engaging in lobbying activities must make a statement of representation at the beginning of their conversation, presentation, letter, telephone call, e-mail or facsimile transmission or other method of communication with the city commission, city board or committee or any member thereof or the city manager or city staff, stating the name of the principal for whom he or she is lobbying.

(Ord. No. C-00-27, § 1, 6-6-00)

Sec. 2-264. - Lobbying by former city commissioners, board members and employees; prohibition.

A person who has been elected to the city commission or who is employed by the city in Management Categories, I, II or III as identified in the Schedule of Salary Ranges adopted by the city commission as amended from time to time shall not conduct lobbying activities for a period one (1) year after the termination of employment with the city, or within one (1) year from the last day of service to the city in any official capacity. The provisions of this subsection shall only apply to persons who are officers or employees of the city after the effective date of this section.

(Ord. No. C-00-27, § 1, 6-6-00)

Sec. 2-265. - Reserved.

Editor's note— Ord. No. C-11-42, § 4, adopted January 5, 2012 , repealed § 2-265, which pertained to persons excluded. See also the Code Comparative Table.

Sec. 2-266. - Penalties.

Violation of any provision of this article shall be punishable by reprimand, censure or a prohibition of the violator from lobbying the city commission, city board or committee or any member thereof or the city manager or city staff for a period not to exceed two (2) years.

(Ord. No. C-00-27, § 1, 6-6-00)

Secs. 2-267—2-269. - Reserved.

BROWARD COUNTY (CITY OF HALLANDALE BEACH)

ARTICLE I. - IN GENERAL[2]

Footnotes:

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Charter reference— City manager to develop an administrative code, § 4.07.

Sec. 2-1. - Corporate seal.

The corporate seal for the city shall be as follows: A round seal two inches in diameter with the words "City of Hallandale Beach" arranged in a circular form constituting the border around the top and the words "Broward County, Florida" around the base and the words "Incorporated 1947," "Seal" in the inner circle and the State of Florida emblem in the inner circle and the center of the seal; however, the city seal may be in such other form as the city commission may prescribe.

(Code 1980, § 2-1)

Editor's note— The Town of Hallandale was incorporated in 1927, and has continued as an incorporated municipality to the present time. However, by virtue of the Charter of 1947, the term "Town" was changed to "City" and the year "1927" was changed to "1947."

State Law reference— Seal authorized, F.S. § 165.043.

Sec. 2-2. - Administrative code.

The city manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the commission.

(Ord. No. 1057, 1-9-1976/3-9-1976)

Sec. 2-3. - Lobbyists; registration and disclosure; enforcement.

(a) The following definitions shall apply:

Lobbyist means all persons, firms, organizations and corporations (and their staff members) whether or not acting either on their own behalf on or on behalf of others on a matter before the city in which they may obtain a direct pecuniary gain and/or are paid by a party, principal or client who seek to participate, obtain and/or encourage the passage, defeat, or modification of any ordinance, resolution, contract, bid award, RFP, RFQ, and any action, decision or recommendation of the city commission or any action, decision or recommendation of the city board, agency or committee.

"Lobbyist" does not mean a city employee when acting in his official capacity.

"Lobbyist" does not mean any person in the public such as a resident who merely appears before the city commission, city board, agency or committee, in an individual capacity for the purpose of expressing his/her opinion without obtaining a direct pecuniary gain and is not specifically paid for the purpose of expressing support of or in opposition to any ordinance, resolution, decision or action on a matter of the city commission or any action recommendation or decision of any city board, agency or committee.

"Lobbyist" does not mean a person who, pursuant to the terms of a collective bargaining agreement, has been designated, and so recognized by the city as being a representative of a collective bargaining unit composed of city employees.

(b) *Registration.* Every lobbyist shall file the registration in part (c) below with the city clerk's office on the form provided by the city. Under no circumstances shall a lobbyist working for the city lobby the city commission.

(c) *Annual registration.* Commencing January 1, 2005, and annually thereafter, every lobbyist shall submit to the city clerk's office a signed statement under oath identifying themselves and their respective principals or clients and/or the party they represented on city matters over the past year or in accordance with administrative policy. Such annual disclosure statements shall be submitted on the form provided by the city clerk's office. A fee of $100.00 shall be paid to the city for annual lobbyist registration. The city commission may, from time to time amend the lobbyist registration fee by resolution as it deems appropriate.

(d) *Investigation by city.* At the request of the city manager, the internal affairs department of the city's police department shall investigate any person engaged in lobbying activities which may be in violation of this section and/or who has allegedly fraudulently made representations to the city, and/or allegedly intentionally mislead the city or abused their influence. Internal affairs of the city's police department shall report the results of the investigation to the city manager. Upon a finding by the city manager of a violation by a lobbyist of this section, the city manager shall report to the city commission who may publicly reprimand, censure, fine and/or prohibit such person or firm from lobbying before the city commission or a city board, agency or committee for a period of up to but not to exceed two years.

(e) *Cone of silence.* Lobbyists shall cease all contact and communication with the city commission 48 hours before the date set for a decision on a matter, unless contacted by a city commissioner. No city board, agency or committee shall have contact 48 hours before the date set for a decision on a matter.

(f) *Administrative policy.* The city manager shall create an administrative policy to supplement this section to include a lobbyist registration form and to carry out its purpose.

(Ord. No. 2004-31, § 1, 12-7-2004; Ord. No. 2013-18, § 1, 11-6-2013)

Sec. 2-4. - City manager authority to execute contracts.

The city manager is authorized to execute all contracts and/or agreements on behalf of the city which are not a result of the appropriations process and ordinances and are in the best interest of the city. The city manager is also authorized to execute all contracts and/or agreements on behalf of the city which do not exceed his or her purchasing authority.

(Ord. No. 2012-28, § 1, 10-3-2012)

Secs. 2-5—2-30. - Reserved.

BROWARD COUNTY (CITY OF LAUDERDALE LAKES)

ARTICLE VIII. - LOBBYING AND LOBBYIST REGISTRATION

Sec. 2-501. - Findings; purpose.

The city commission hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their city government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity, expenditures, fees, and activities of certain persons who engage in efforts to influence city officials, decision-making bodies under the jurisdiction of the city commission, and certain city employees on matters within their official jurisdictions, either by direct communication to such commissioners, decision-making bodies, or city employees, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 05-03, § 3, 1-25-2005)

Sec. 2-502. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commission means the city commission of Lauderdale Lakes, Florida.

Contingency fee means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment, defeat, modification, or other outcome of any specific action of the city commission.

Employer means any person providing compensation of any kind to a lobbyist in consideration for his or her performance of lobbying activities.

Lobbying means communicating directly or indirectly, either in person, by telephone or by letter, or any other form of communication, with any city commissioner or any member of any decision-making body under the jurisdiction of the commission, or any city employee, where the lobbyist seeks to encourage the passage, defeat, modification, or repeal of any item which may be presented for a vote before the commission, or any decision-making body under the jurisdiction of the commission, which may be presented for consideration by a city employee as a recommendation to the commission or decision-making body or any city employee making a final city procurement decision.

Lobbyist means any person who is employed and receives payment or who contracts for economic consideration for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. Any person who, in his or her individual capacity, merely communicates with the commission, a city commissioner, a decision-making body under the jurisdiction of the commission, or any city employee, for the purpose of self-representation, without compensation or reimbursements, to express support of or opposition to any item which may be presented for a vote before the commission, and who shall so declare to the person or body with whom he or she discusses any such item, shall not be required to register as a lobbyist. Additionally, any individual who engages in lobbying as a volunteer, without payment of any compensation or reimbursement of expenses, either directly or indirectly, shall not be required to register as a lobbyist.

Person means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.

(Ord. No. 05-03, § 4, 1-25-2005)

Cross reference— Definitions generally, § 1-2.

Sec. 2-503. - Lobbying registration and statements.

(a) *Registration statement required.* Every lobbyist shall file with the city clerk the following information:

(1) Prior to engaging in lobbying activities, a registration statement under oath containing the following information:

a. The lobbyist's full name, residence address, business address, and nature of business.

b. The full name and address of his or her employer, if any.

c. The general and specific subject matters which the lobbyist seeks to influence.

d. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the city. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

e. A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required by subsections (1) and (2) of this section.

f. All lobbyists who are required to register with the city shall be required to pay an annual licensing fee, which fee shall be established by separate resolution.

(2) A lobbyist shall annually submit to the city clerk's office a signed statement under oath, disclosing all lobbying expenditures, contingency fees, and the sources from which funds for making such expenditures and paying such contingency fees have come. The statement required herein for the period from July 1 to June 30 shall be filed no later than July 15 of each year. Lobbying expenditures shall not include personal expenses for lodging, meals, and travel. Said statements shall be rendered in the form provided by the city clerk's office and shall be open to public inspection. A statement shall be filed even if there have been no expenditures during a reported period. A public official acting in his or her official capacity shall not be required to file the statement required by this subsection.

(3) Statements shall be filed not later than 5:00 p.m. on the date the statement is due. However, any statement that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner. The city clerk shall provide for a procedure by which a lobbyist who fails to timely file a statement shall be notified and assessed fines. The procedure shall provide for the following:

a. Upon determining that the statement is late, the person designated to review the timeliness of statement shall immediately notify the lobbyist as to the failure to timely file the statement and that a fine is being assessed for each late day. The fine shall be $50.00 per day for each late day.

b. Upon receipt of the statement, the person designated to review the timeliness of statement shall determine the amount of the fine due based upon the earliest of the following:

1. When a statement is actually received.

2. When the statement is postmarked.

3. When the certificate of mailing is dated.

4. When the statement from an established courier company is dated.

c. Such fine shall be paid within 20 days after receipt of the notice of payment due, unless appeal is made to the Commission.

d. A fine shall not be assessed against a lobbyist the first time any statement for which the lobbyist is responsible are not timely filed. However, to receive the one-time fine waiver, all statements for which the lobbyist is responsible must be filed within 20 days after receipt of notice that any statements have not been timely filed. A fine shall be assessed for any subsequent late-filed statement.

e. Any lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the lobbyist shall, within the 20-day period, notify the person designated to review the timeliness of statements in writing of his or her intention to bring the matter before the commission.

(b) *List of current lobbyists.* The city clerk's office shall keep a current list of registered lobbyists and their respective reports required under this article, all of which shall be open for public inspection.

(c) *List of employers.* A lobbyist shall file a registration statement for each employer on whose behalf he or she lobbies.

(d) *Partial year filing required.* Discontinuance of lobbying activities during a year shall not relieve the lobbyist from the requirement of filing the statement required by subsection (a)(2) above for that portion of the year during which the lobbyist was engaged in lobbying activities.

(Ord. No. 05-03, § 5, 1-25-2005)

Sec. 2-504. - Prohibition on use of lobbying statements.

No information obtained from lobbying statements required by this article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. No. 05-03, § 6, 1-25-2005)

Sec. 2-505. - Contingency fees; disclosure; penalties.

(a) A lobbyist shall disclose any compensation received in the form of contingency fees in the annual statement filed pursuant to section 2-503(a)(2).

(b) In addition to the penalties provided in section 2-506, any knowing or intentional violation of this section shall be punishable as provided by law.

(Ord. No. 05-03, § 7, 1-25-2005)

Sec. 2-506. - Penalties.

(a) The city attorney or city clerk, or their respective designees, shall be informed of any person engaged in lobbying activities who has failed to comply with the registration, reporting requirements and prohibitions of this act, and, in each such instance, shall conduct such investigation as he or she shall deem necessary under the circumstances. The results of each investigation shall be reported to the commission.

(b) The city commission may warn, reprimand, or censure the violator or may suspend or prohibit the violator from appearing on behalf of any employer before the commission or any decision-making body under the jurisdiction of the commission or from otherwise lobbying for any employer in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard. The penalties provided in this section shall be the exclusive penalties imposed for violations of the registration and reporting requirements of this act, except as provided in subsection (c) of this section. The intentional failure or refusal of any lobbyist to comply with any order of the commission suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall otherwise be subject to such civil remedies as the city may pursue, including injunctive relief.

(c) The validity of any action taken by the commission, city employees, or any decision-making body under the jurisdiction of the commission, shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 05-03, § 8, 1-25-2005)

Sec. 2-507. - Conflict of interest.

It shall be unlawful for any former or current city, county, state or federal official, who has or is representing the city in his or her official representative capacity, or whose official constituents comprise any portion of the city, or for any employee or consultant to the city to lobby the city, through any city official or city employee, on any matter in the case of officials or employees, before the second anniversary of the time such official left office or, such an employee left the employ of the city or, in the case of a consultant, two years from the time the consulting terminated; provided, however, such prohibition shall not apply to any solicitation, contact or other act, otherwise defined herein as "lobbying," when such official, employee or consultant is speaking on behalf of the general public or on behalf of herself or himself.

Secs. 2-508, 2-509. - Reserved.

BROWARD COUNTY (CITY OF LAUDERDALE-BY-THE-SEA)

Chapter 2 - ADMINISTRATION[1]

Footnotes:

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Editor's note— Formerly Ch. 2 contained provisions designated as Art. VI, planning and development, substantive sections thereof being §§ 2-226 and 2-276. Sec. 226, cost recovery of outside consultant fees, derived from Ord. No. 300, § 1, adopted Nov. 22, 1988, was deleted as being superseded by provisions of Ord. No. 316, designated in this Code as § 24-1.4(d). Sec. 2-276 pertaining to subdivision maps and plats, derived from Sp. Acts 1951, Ch. 27675, Pt. IX, Art. 5, § 1, was repealed by Ord. No. 316, adopted Jan. 9, 1990; similar subject matter is included in § 24-3.2.

Cross reference— Animals, Ch. 4; beaches and waterways, Ch. 5; buildings and building regulations, Ch. 6; elections, Ch. 7; garbage and refuse, Ch. 10; licenses, Ch. 12; official street map of the Town, § 17-46; taxation, Ch. 18; utilities, Ch. 20; land development code, Ch. 24.

State Law reference— Municipal Home Rule Powers Act, F.S. ch. 166.

ARTICLE I. - IN GENERAL

Sec. 2-1. - Lobbyist regulations.

(a) *Definitions.* The following terms, when used in this section, shall have the meaning ascribed to them herein, unless the context indicates otherwise:

Contractor means any person or entity having a contract with the Town of Lauderdale-By-The-Sea, Florida.

Covered individual means:

(1) Any member of the Town Commission, including the Mayor-Commissioner;

(2) Any member of a final decision-making body under the jurisdiction of the Town Commission;

(3) Any individual directly appointed to a Town employment position by the Town Commission;

(4) Any individual serving on a contractual basis as the Town's chief legal counsel (i.e.: Town Attorney) or chief administrative officer (i.e.: Town Manager), when such individual is acting in his or her official capacity;

(5) Any member of a selection, evaluation, or procurement committee of the Town that ranks or makes recommendations to any final decision-making authority regarding a Town procurement;

(6) Any employee, official, or member of a committee of the Town that has authority to make a final decision regarding a public procurement; and

(7) The head of any department, division, or office of the Town government who makes final recommendations to a final decision-making authority of the Town regarding items that will be decided by the final decision-making authority of the Town.

Elected Official means any member of the Town Commission of the Town, including the Mayor-Commissioner.

Filed for public inspection means that the form is completed legibly and is filed with the Town Manager or designee, with a copy of the form or all information contained thereon inputted into the Town's governmental database, which database shall be searchable by internet.

Final decision-making authority means:

(1) The Town Commission, including the Mayor-Commissioner;

(2) Final decision-making bodies under the jurisdiction of the Town Commission;

(3) Any employee, official, or committee of the Town that has authority to make a final decision to select a vendor or provider in connection with a public procurement by the Town; and

(4) Any other quasi-judicial boards, appointed boards, and commissions of the Town.

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:

(1) Made on the record at a duly-noticed public meeting or hearing; or

(2) From an attorney to an attorney representing the Town regarding a pending or imminent judicial or adversarial administrative proceeding against the Town.

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:

(1) An Elected Official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.

(2) 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.

(3) 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

(4) 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.

All operative words or terms used in this section not defined herein shall be as defined, in order of priority in the event of inconsistency, by (1) F.S., ch. 112, pt. III; (2) the Broward County Code of Ordinances; and (3) the Broward County Administrative Code.

(b) *Lobbyist registration.*

(1) *Lobbyist obligations* . Prior to engaging in any lobbying activities, whether or not compensation is paid or received in connection with those activities, each lobbyist shall do the following:

a. *Annual registration statement required.* File with the Town Manager or designee, in form prescribed by the Town Manager or designee, an annual registration statement under oath containing the following information:

1. The lobbyist's full name, residence address, business name, business address, email address, and nature of business.

2. The full name and address of all persons on whose behalf the lobbyist will be lobbying.

3. The general and specific subject matters which the lobbyist seeks to influence.

4. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of Town. For the purposes of this section, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

5. A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of the action providing such authorization shall be attached to the registration statements.

6. A lobbyist representing a principal or employer shall file a copy of a written statement of the principal or employer confirming authorization to lobby for the principal or employer.

7. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement or on a subject matter not previously identified, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to the registration statement in form prescribed by the Town Manager or designee, containing all the information required in the annual registration statement.

b. *Fee required* . Pay to the Town an annual $50.00 registration fee for each employer or principal, identified on an annual or amended registration statement, on whose behalf he or she intends to lobby, whether he or she was retained directly by the employer or principal or by another lobbyist retained by the employer or principal. The registration fees required by this section shall be expended by the Town solely for the purpose of defraying the administrative costs of implementing, monitoring, and otherwise ensuring compliance with this section. A lobbyist who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities, but still must otherwise meet the requirements of this section.

c. *Amended statement* . A lobbyist is required to promptly amend any filed registration statement if any information in the statement changes.

d. *Disclosure statement required* .

1. On or before January 15 of each year, each lobbyist shall submit to the Town Manager or designee, in form prescribed by the Town Manager or designee, a signed statement under oath, disclosing all Town lobbying expenditures, contingency fees, and the sources from which funds for making such expenditures and paying such contingency fees have come. The statement shall provide such information with respect to all lobbying activities undertaken from January 1 of the prior year through December 31 of the year in which such disclosure statement is required to be filed. Lobbying expenditures shall not include personal expenses for lodging, meals, and travel. A statement shall be filed even if there have been no expenditures during a reported period. Any individual who is exempt from the definition of lobbyist pursuant to subsection 2-1(a) shall not be required to file the statement required by this subsection.

2. The Town Manager or designee shall provide for a procedure by which a lobbyist who fails to timely file a disclosure statement shall be notified and assessed fines. The procedure shall provide for the following:

i. Upon determining that the statement is late, the person designated to review the timeliness of the statement shall promptly notify the lobbyist as to the failure to timely file the statement and that a fine is being assessed for each late day. The fine shall be $50.00 per day for each late day.

ii. Upon receipt of the late-filed statement, the person designated to review the timeliness of the statement shall determine the amount of the fine due. A fine shall not be assessed against a lobbyist the first time any statement for which the lobbyist is responsible is not timely filed, provided all statements for which the lobbyist is responsible are filed within 20 days after receipt of notice that any statements have not been timely filed. A fine shall be assessed for any subsequent late-filed statement.

iii. Such fine shall be paid within 20 days after receipt of the notice of payment due, unless timely appeal is made to the Town Commission.

iv. Any lobbyist may appeal a fine, based upon unusual circumstances surrounding the failure to file by the designated due date, and may request and shall be entitled to a hearing before the Town Commission, which shall have the authority to waive the fine in whole or in part for good cause shown. To be entitled to such appeal, the lobbyist must, within 20 days after receipt of the notice of payment due, deliver a letter requesting a hearing to the person designated to review the timeliness of statements.

e. *Partial year filing required.* Discontinuance of lobbying activities during a year shall not relieve the lobbyist of the requirement to file the statement required by subsection 2-1(b)(1)a. above for that portion of the year during which the lobbyist was engaged in lobbying activities.

f. *Effectiveness* . Registration statements are effective from January 1 of a given year through December 31. Registration fees paid under subsection 2-1(b)(1)b. above cover lobbying activities during the effective period of the registration statement. A new registration statement shall be filed, and all required fees shall be paid, prior to engaging in any lobbying activities after expiration of a previously-filed registration statement.

(2) *List of current lobbyists.* The Town shall keep a current list of registered lobbyists and their respective statements required under this section, all of which shall be filed for public inspection. The Town Manager or designee shall routinely provide an updated copy of the lobbyist registration list to the Town Commissioners.

(c) *Reporting of lobbying activities.*

(1) *Lobbyist contact log* . To promote full and complete transparency, lobbyists and their principals or employers who intend to meet or otherwise communicate with an Elected Official for the purpose of engaging in lobbying activities, either at the Elected Official's offices or elsewhere on the Town's premises, must legibly complete a contact log listing each Elected Official with whom the lobbyist, principal, or employer meets or intends to meet or communicate.

a. *Content* . The information stated on the contact log shall include the lobbyist's name; the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of any employer or principal of the lobbyist who is present at any meeting at which the communication is made; the name of each Elected Official with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting.

b. *Timing, filing.* The contact log shall be completed contemporaneously with the meeting(s) and shall be filed for public inspection with the Town.

(2) *Elected official disclosures* . To further promote full and complete transparency, Elected Officials must disclose any and all lobbying activity that knowingly occurs between themselves and individual lobbyists or their principals or employers outside of the Town premises. This shall include communicating by any form of telephonic or electronic media.

a. The disclosure shall include the lobbyist's name; the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of any employer or principal of the lobbyist who is present at any

meeting at which the communication is made; the date, time, and location of the meeting; and the specific purpose and subject matter of the meeting.

b. The disclosure shall be made within ten business days of the lobbying activity, but must, in any event, be made prior to any vote on a matter that was the subject of the lobbying activity.

c. The disclosure shall be filed for public inspection with the Town.

(d) *Penalties.*

(1) The Town Manager or designee shall be informed of any person engaged in lobbying activities who has failed to comply with the provisions of this section 2-1, and, in each such instance, shall conduct such investigation as he, she, or they shall deem necessary under the circumstances. The results of each investigation shall be reported to the Town Commission.

(2) The Commission shall warn, reprimand, suspend, or prohibit the violator from appearing on behalf of any person before the Town Commission or any decision-making body under the jurisdiction of the Town Commission or from otherwise lobbying the Town for any person in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two years, and any of said sanctions shall not be imposed unless the lobbyist (or the employer or principal of the lobbyist, as applicable) allegedly in violation has been afforded reasonable notice and an opportunity to be heard. The penalties provided in this subsection 2-1(d) shall be the exclusive penalties imposed for violations of section 2-1. Further, the intentional failure or refusal of any lobbyist to comply with any order of the Town Commission suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall otherwise be subject to such civil remedies as the Town may pursue, including injunctive relief.

(3) The validity of any action taken by the Town Commission, Town employees, or any decision-making body under the jurisdiction of the Town Commission, shall not be affected by the failure of any person to comply with the provisions of this section 2-1.

(4) In addition to all other penalties in this subsection 2-1(d), a competitive solicitation submitted by an employer or principal who has retained a lobbyist(s) to lobby in connection with that solicitation shall be deemed non-responsive unless the employer or principal, in responding to the competitive solicitation, certifies that each lobbyist retained has timely filed the required registration or amended registration. If, after awarding a contract in connection with the solicitation, the Town learns that the certification was erroneous, and upon investigation determines that the error was willful or intentional on the part of the employer or principal, the Town may, on that basis, exercise any contractual right to terminate the contract for convenience.

(5) Except where a specific penalty or sanction is otherwise provided for above in this subsection 2-1(d), this section 2-1 shall be subject to enforcement under the Local Government Code Enforcement Act, F.S. ch. 162, as amended, and Chapter 6.5 "Code Enforcement" of the Town Code, as amended. Enforcement may also be by suit for declaratory, injunctive or other appropriate relief in a court of competent jurisdiction. The Town hereby expressly reserves its right, power and authority to act as the civil or administrative agency having jurisdiction concerning an alleged violation of this section 2-1, and this reservation shall serve to fully preserve the Town's investigative and enforcement authority.

(Ord. No. 2011-20, § 2, 12-13-2011)

Editor's note— Ord. No. 2011-20, § 2, adopted Dec. 13, 2011, is effective Jan. 2, 2012.

Secs. 2-2—2-15. - Reserved.

BROWARD COUNTY (CITY OF LAUDERHILL)

ARTICLE II. – OFFICERS AND EMPLOYEES

DIVISION 1. - GENERALLY

Sec. 2-24. - Lobbying activities.

All lobbying activities shall be governed by F.S. § 112.312 and Broward County Code Section 1-19, Code of Ethics for Elected Officials, as now existing or as may be amended from time to time.

Registration fee. An annual lobbyist registration fee may be set by resolution adopted by the city commission, which may be amended from time to time as necessary. Such fee shall be for the purpose of providing funding to the city to offset the cost of recording, transcription, administration or any other costs incurred in compiling and maintaining these records and making them available to the public.

(Ord. No. 91-127, § 1, 9-30-91; Ord. No. 970-114, § 1, 5-12-97; Ord. No. 08O-04-117, § 1, 5-12-08; Ord. No. 13O-04-113, § 1, 5-13-2013; Ord. No. 16O-09-148, § 1, 10-31-2016; Ord. No. 16O-11-153, § 1, 12-12-2016)

BROWARD COUNTY (CITY OF LIGHTHOUSE POINT)

ARTICLE VIII. - LOBBYING ACTIVITIES[11]

Footnotes:

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Editor's note— The provisions of former Art. VIII, §§ 2-290—2-296, have been renumbered by the editor to §§ 2-390—2-396 to accommodate provisions added by Ord. No. 2014-0908, § 3, adopted Feb. 11, 2014, to Art. VII above.

Sec. 2-390. - Title; intent and purpose.

(a) Sections 2-390 through 2-396 of this article, may be cited as the "Lighthouse Point Lobbyist Registration Act" (referred to in this part as the "Act').

(b) The Broward County Code of Ethics for Elected Officials provides that all municipalities in the county shall establish lobbyist registration procedures. The city commission determines that the registration of lobbyists promotes the integrity of the governmental decision-making process and fosters transparency in government by providing the identity and activities of certain persons who engage in efforts to influence city commissioners and decision-making bodies under the jurisdiction of the city commission.

(Ord. No. 2011-0897, § 2, 12-13-2011; Ord. No. 2014-0908, § 3, 2-11-2014)

Sec. 2-391. - Definitions.

As used in this article, unless the context otherwise indicates:

(a) *Board* means the City Commission of Lighthouse Point, Florida or any other decision-making body under the jurisdiction of the city commission.

(b) *Covered individual* means:

(1) Any member of a board;

(2) The mayor;

(3) Any individual directly appointed to an employment position by the city commission or mayor;

(4) Any individual serving on a contractual basis as the city attorney;

(5) An individual serving on a contractual basis as a planner or zoning administrator;

(6) Any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to any final decision-making authority regarding a city procurement;

(7) Any city employee, official, or member of a city committee that has authority to make a final decision regarding a public procurement; and

(8) The head of any city department who makes final recommendations to a final decision-making authority regarding items that will be decided by the final decision-making authority.

(c) *Lobbying* or *lobbying activities* means a communication, by any means, from a lobbyist to a member of a board or covered individual regarding any item that will foreseeably be decided by the board and/or a covered individual, which communication seeks to influence, convince, or

persuade the covered individual to support or oppose the item. Lobbying does not include communications made on the record at a duly-noticed public meeting or hearing.

(d) *Person* means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.

(e) *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:

(1) An elected official, employee, or appointee of the county or of any municipality within the county communicating in his or her official capacity;

(2) 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;

(3) 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

(4) 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.

(Ord. No. 2011-0897, § 2, 12-13-2011; Ord. No. 2014-0908, § 3, 2-11-2014)

Sec. 2-392. - Lobbyist registration and statements.

(a) *Registration statement required.* Prior to engaging in lobbying activities, every lobbyist shall file with the city clerk a registration statement under oath containing the following information:

(1) The lobbyist's full name, residence address, business address, and nature of business.

(2) The full name and address of all persons on whose behalf the lobbyist will be lobbying.

(3) The subject matters which the lobbyist seeks to influence.

(4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the city. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

(5) A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter.

A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required this subsection.

(b) *List of current lobbyists.* The city clerk's office shall keep a current list of registered lobbyists and their respective reports required under this article, all of which shall be open for public inspection.

(c) *Lobbyist responsibilities to update registration.* The lobbyist statements provided pursuant to this section shall remain active and effective so long as the lobbyist does not advise the city in writing that he or she has ceased lobbying activities in the city. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, or on a subject matter not listed on the registration statement, the lobbyist shall, prior to engaging in such additional lobbying activities, file an amendment to the registration statement in form prescribed by the city clerk, containing all the information required in the annual registration statement.

(d) *Annual lobbyist registration.* Regardless of the date of the original filing of the required lobbyist statement, or any amended registration, the lobbyist registration shall expire each calendar year on December 31. Should a lobbyist desire to continue lobbying on a subject matter beyond that date, he or she must file a new lobbyist statement.

(e) *Fees.* A lobbyist shall pay to the city clerk's office a registration fee for each registration and update. The registration fees required by this section shall be expended for the purpose of defraying the administrative costs of implementing, monitoring, and otherwise ensuring compliance with this section and shall be determined by resolution of the city commission. A lobbyist, who is lobbying as a volunteer, without any compensation. is not required to pay a registration fee in connection with those uncompensated lobbying activities provided that he or she files an affidavit in a form acceptable to the city attorney confirming his or her volunteer status.

(Ord. No. 2011-0897, § 2, 12-13-2011; Ord. No. 2014-0908, § 3, 2-11-2014)

Sec. 2-393. - Filing of contact log.

To promote full and complete transparency, lobbyists and their principals or employers who intend to meet or otherwise communicate with a member of the board and/or covered individual for the purpose of engaging in lobbying activities, regardless of the location of the meeting, must legibly complete a contact log listing each member of the board with whom the lobbyist, principal, or employer meets or intends on meeting or communicating.

(1) The information stated on the contact log shall include the lobbyist's name: the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of each member of the board with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting.

(2) The contact log shall be completed contemporaneously with the meeting(s) and shall be filed with the city clerk for public inspection.

(Ord. No. 2011-0897, § 2, 12-13-2011; Ord. No. 2014-0908, § 3, 2-11-2014)

Sec. 2-394. - Prohibition on use of lobbying statements.

No information obtained from lobbying statements required by this article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. No. 2011-0897, § 2, 12-13-2011; Ord. No. 2014-0908, § 3, 2-11-2014)

Sec. 2-395. - Contingency fees; disclosure.

(a) "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment. defeat, modification, or other outcome of any specific action of the city commission.

(b) A lobbyist shall separately disclose to the city clerk any compensation received in the form of contingency.

(Ord. No. 2011-0897, § 2, 12-13-2011; Ord. No. 2014-0908, § 3, 2-11-2014)

Sec. 2-396. - Penalties.

(a) The city administrator, or his designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the registration, reporting requirements and prohibitions of this Act.

(b) Upon receipt of information relating to a potential prohibition of this Act, unless the city administrator can confirm that no violation occurred, the city administrator shall schedule a hearing at the next available code enforcement special magistrate hearing, during which the special magistrate will conduct a hearing to determine whether a violation has occurred and, should a violation be found, impose a fine consistent with the limitations in Chapter 162, Florida Statutes, and this Code.

(c) The special magistrate may recommend sanctions in addition to a fine, including warning. reprimanding, or censuring the violator; suspension: or, prohibition on the violator from appearing on behalf of any employer before any board in the city or from otherwise lobbying for any employer in any fashion for a period of time: provided, however, that any suspension or prohibition may not exceed a period of two years. The imposition of such additional sanctions is within the discretion of the city commission.

(d) The results of each alleged violation of this Act shall be reported to the city commission.

(e) The validity of any action taken by the city commission, city employees, or any decision-making body under the jurisdiction of the city commission, shall not be affected by the failure of any person to comply with the provisions of this Act.

(f) In addition to the penalties provided by this section, individuals found to be in violation may be subject to additional penalties as provided by law. Nothing in this section shall be construed to limit the authority of the county office of the inspector general as provided for by Article VIII of the Broward County Charter.

(Ord. No. 2011-0897, § 2, 12-13-2011; Ord. No. 2014-0908, § 3, 2-11-2014)

APPENDIX A - FEE SCHEDULE[1]

ADMINISTRATION

Section 1-8. Court costs for criminal justice programs.

Court costs against every person convicted of a state penal or criminal statute or a city ordinance $2.00

Section 2-4. Costs of reproducing and certifying city records, notarizing service or using copying machine.

(1) Duplicating copies of all public records of the city not more than 14 inches by 8½ inches:

a. Per one-sided copy (per page) 0.15

b. For each two-sided copy (per page) 0.20

(2) Certification of any city documents, per document 3.00

(3) Notarization of private non-city documents, per document, per notarization 10.00

(4) Reproduction of library books, periodicals and other library material, per page 0.10

Other reproduction not related to the library shall be charged at the normal rate provided above.

(5) Copying private papers and private documents on the reproduction machine located in the city library on a time available basis, reproduction cost per page 0.10

(6) Printing of computer generated documents:

a. Black and white (per page) 0.10

b. Color (per page) 0.25

(7) Computer use—Non-residents only ..... 2.00 per session, with a limitation of 90 minute total use per day

(8) Non-resident membership ..... 50.00 annually per household

(Res. No. 1154, § 2, 4-18-2001; Res. No. 2011-1810, § 2, 6-28-2011; Ord. No. 2014-0913, Attach., 10-28-2014)

Section 2-6. Fee for lien searches per request ..... 75.00 (per folio number)

(Ord. No. 787, §§ 3, 4, 8-28-2001; Ord. No. 2014-0913, Attach., 10-28-2014)

City clerk's office fees and charges. The city clerk's office shall charge the following prices:

(1) Maps of the city, per map ..... 1.00 plus tax

(2) Lighthouse Point license plates, per plate ..... cost and tax plus 5.00

(3) Reserved.

(4) Lobbyist statement registration fees:

a. Lobbyist statement filing 100.00

b. Lobbyist statement update* 100.00

*Each update shall be charged a separate fee.

BROWARD COUNTY (CITY OF MARGATE)

ARTICLE I. - IN GENERAL

Sec. 2-19. - Lobbying and lobbyists.

In conformity with section 1-19 of the Code of Broward County entitled the code of ethics for elected officials, the city hereby creates the city registration system for lobbyists and lobbying.

(1) Definitions.

Contractor means a person or entity having contract with the local government.

Covered individual means a member of the governing body of any municipality; any member of a final decision making body under the jurisdiction of any municipality; chief legal officer; chief administrative officer; any member of a procurement committee; head of any department of municipal government that makes final recommendations to decision-making authority that ranks or evaluates for recommendation to a final decision-making authority.

Elected official means a municipal official as defined below.

Filed for public inspection means form is completed legibly and filed with applicable city's administrative official or clerk, inputted into the city's database which is searchable by Internet or if not inputted into a database maintained by the Broward League of Cities.

Final decision making authority means the governing body of the city; final decision-making bodies under the jurisdiction of the city; any employee official or committee of the city that has authority to make a final decision to select a vendor or provider in connection with a public procurement.

Immediate family member means a parent, spouse, child, sibling, or registered domestic partner.

Lobbying or *lobbying activities* mean 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 the communication seeks to influence convince or persuade the covered individual to support or oppose. It does not include communications at a duly noticed public meeting or attorney to attorney representing the city regarding a pending or imminent judicial or adversarial administrative proceeding against the city.

Lobbyist means a person retained with or without compensation for the purpose of lobbying or a person employed by another person or entity on a full or part-time basis principally to lobby on behalf of that other person or entity. It does not include elected official, employee, or appointee of Broward County or any municipality communicating in his official capacity; an individual who communicates on his or her own behalf or on behalf of a person or entity employing the individual on a full or part-time basis unless the person is employed to lobby. It excludes any employee officer or board member of a homeowners association condo or neighborhood Association addressing an issue impacting the Condo Association. It also does not include the employer officer of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) addressing an issue impacting the entity.

Municipal official means individual serving as a member of the governing body of the municipality.

Vendor means actual or potential supplier of goods or services to the city.

Words or terms not defined shall in order of priority be defined as provided in Part III of F.S. ch. 112, the Broward County Code of Ordinances, and the Broward Administrative Code. The term "relative" shall be as defined in F.S. § 112.3135.

(2) No lobbyist shall engage in any lobbying activity of a covered individual of the city prior to registering as a lobbyist with the city pursuant to the city registration system for lobbyists. The lobbyist registration and contact log shall be in a form prescribed by the city clerk and be in conformity with section 1-19 of the Code of Broward County. Said system shall be available for registration through the city clerk's office.

(3) Fee. There shall be an annual fee, based upon the city's fiscal year, of one hundred dollars ($100.00) for the registration of each lobbyist.

(4) Definitions provided for in this section shall be determined to be amended to conform with the ordinances of Broward County pursuant to section 11.01 C. of the Charter of Broward County.

(Ord. No. 2012-1, § 1, 2-15-2012)

BROWARD COUNTY (CITY OF MIRAMAR)

ARTICLE IX. - LOBBYING

Sec. 2-310. - Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the present tense shall include future tense, words in the plural number shall include the singular number and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

Agency means the City of Miramar including all elected and appointed officials, employees and persons acting on behalf of the agency.

Covered individual means (i) any member of the city commission of the city; (ii) any member of a final decision-making body under the jurisdiction of the city commission; (iii) any individual directly appointed to a city employment position by the city commission; (iv) any individual serving on a contractual basis as the city's chief legal counsel (i.e.: city attorney) or chief administrative officer (i.e.: city manager), when such individual is acting in his or her official capacity; (v) any member of a selection, evaluation, or procurement committee of the city that ranks or makes recommendations to any final decision-making authority regarding a city procurement; (vi) any employee, official, or member of a committee of the city that has authority to make a final decision regarding a public procurement; and (vii) the head of any department, division, or office of the city government who makes final recommendations to a final decision-making authority of the city regarding items that will be decided by the final decision-making authority of the city.

Elected official means any member of the city commission of the city.

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:

(1) Made on the record at a duly-noticed public meeting or hearing; or

(2) 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.

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:

(1) An elected official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.

(2) 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.

(3) 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

(4) 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.

Person includes individuals, firms, associations, joint ventures, general and limited partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

(Ord. No. 92-40, § 1, 8-3-92; Ord. No. 12-08, § 2, 1-10-12)

Sec. 2-311. - Registration of lobbyist.

Commencing fifteen (15) days after the effective date of this article and continuing thereafter, all lobbyists shall, before engaging in any lobbying activities, register with the city clerk.

(Ord. No. 92-40, § 2, 8-3-92)

Sec. 2-312. - Registration forms.

Every person required to register as a lobbyist shall do so on forms prepared by the city clerk and shall state under oath his or her name, business address, the name and business address of each person which has employed such registrant to lobby and the specific issue on which he or she has been employed to lobby. Separate registrations shall be required for each specific issue and for each employer.

(Ord. No. 92-40, § 3, 8-3-92)

Sec. 2-313. - Filing and disclosure of annual expenditures.

Commencing on January 1, 1993, and on January 1 of each year thereafter, all lobbyists registered pursuant to this article shall submit to the city clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. A statement shall be filed even if there have been no expenditures during the reporting period. Annual statements shall be required until such time as the lobbyist files a notice of withdrawal of lobbying activities with the city clerk.

(Ord. No. 92-40, § 4, 8-3-92)

Sec. 2-314. - Penalties for violation; cumulative in nature.

(a) Whenever a violation of this article exists, the city commission may publicly reprimand, censure, and/or prohibit such lobbyist from lobbying before the agency for a period of up to but not to exceed two (2) years.

(b) The penalties provided herein are cumulative in nature. Nothing contained in this article shall prevent the agency from pursuing any other remedies available to the agency under the agency's code and/or state law for the enforcement of its ordinances.

(Ord. No. 92-40, § 5, 8-3-92)

Sec. 2-315. - Public records.

All registration forms and annual disclosure statements required by this article shall be public records subject to inspection and examination as provided for in F.S. section 119.07.

(Ord. No. 92-40, § 6, 8-3-92)

Sec. 2-316. - Lobbyist registration fee.

An annual lobbyist registration fee in the amount of one hundred dollars ($100.00) for each lobbyist shall be paid to the city clerk at the time the lobbyist files a registration form. This fee is necessary to cover the administrative expenditures required by this article.

(Ord. No. 92-40, § 7, 8-3-92)

Secs. 2-317—2-320. - Reserved.

BROWARD COUNTY (CITY OF NORT LAUDERDALE)

ARTICLE VIII. - LOBBYING ACTIVITIES

Sec. 2-301. - Title; intent and purpose.

(a) Sections 2-301 through 2-307 of Chapter 2, North Lauderdale Code of Ordinances, may be cited as the "North Lauderdale Lobbyist Registration Act."

(b) The Broward County Code of Ethics for Elected Officials provides that all municipalities in the county shall establish lobbyist registration procedures. The city commission determines that the registration of lobbyists promotes the integrity of the governmental decision-making process and fosters transparency in government by providing the identity and activities of certain persons who engage in efforts to influence city commissioners and decision-making bodies under the jurisdiction of the city commission.

(Ord. No. 11-12-1262, § 2, 12-13-11)

Sec. 2-302. - Definitions.

As used in this article, unless the context otherwise indicates:

(a) Board means the City Commission of North Lauderdale, Florida or any other decision-making body under the jurisdiction of the city commission.

(b) Lobbying or lobbying activities means a communication, by any means, from a lobbyist to a member of a board regarding any item that will foreseeably be decided by the board, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications made on the record at a duly-noticed public meeting or hearing.

(c) Person means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.

(d) "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:

(1) An elected official, employee, or appointee of the county or of any municipality within the county communicating in his or her official capacity.

(2) 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.

(3) 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

(4) 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.

(Ord. No. 11-12-1262, § 2, 12-13-11)

Sec. 2-303. - Lobbyist registration and statements.

(a) *Registration statement required*. By January 2, 2012 and annually thereafter, every lobbyist shall file with the city clerk the following information:

(1) Prior to engaging in lobbying activities, a registration statement under oath containing the following information:

a. The lobbyist's full name, residence address, business address, and nature of business.

b. The full name and address of all persons on whose behalf the lobbyist will be lobbying. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to the registration statement in form prescribed by the city clerk, containing all the information required in the annual registration statement.

c. The subject matters which the lobbyist seeks to influence.

d. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of North Lauderdale. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

e. A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required this subsection.

(b) *List of current lobbyists.* The city clerk's office shall keep a current list of registered lobbyists and their respective reports required under this article, all of which shall be open for public inspection.

(c) *Fees.* A lobbyist shall pay to the city clerk's office an annual registration fee. The registration fees required by this section shall be expended for the purpose of defraying the administrative costs of implementing, monitoring, and otherwise ensuring compliance with this section and shall be determined by resolution of the city commission. A lobbyist, who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities.

(Ord. No. 11-12-1262, § 2, 12-13-11)

Sec. 2-304. - Filing of contact log.

To promote full and complete transparency, lobbyists and their principals or employers who intend to meet or otherwise communicate with a member of the board for the purpose of engaging in lobbying activities, either at the board member's offices or elsewhere on city premises, must legibly complete a contact log listing each member of the board with whom the lobbyist, principal, or employer meets or intends on meeting or communicating.

(1) The information stated on the contact log shall include the lobbyist's name; the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of each member of the board with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting.

(2) The contact log shall be completed contemporaneously with the meeting(s) and shall be filed for public inspection.

(Ord. No. 11-12-1262, § 2, 12-13-11)

Sec. 2-305. - Prohibition on use of lobbying statements.

No information obtained from lobbying statements required by this article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. No. 11-12-1262, § 2, 12-13-11)

Sec. 2-306. - Contingency fees; disclosure.

(a) "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment, defeat, modification, or other outcome of any specific action of the city commission.

(b) A lobbyist shall separately disclose to the city clerk any compensation received in the form of contingency.

(Ord. No. 11-12-1262, § 2, 12-13-11)

Sec. 2-307. - Penalties.

(a) The city attorney or city manager, or their designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the registration, reporting requirements and prohibitions of this act, and, in each such instance, shall conduct such investigation as he or she shall deem necessary under the circumstances. The results of each investigation shall be reported to the city commission.

(b) The city commission may warn, reprimand, or censure the violator or may suspend or prohibit the violator from appearing on behalf of any employer before the city commission or any decision-making body under the jurisdiction of the city commission or from otherwise lobbying for any employer in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard.

(c) The validity of any action taken by the city commission, city employees, or any decision-making body under the jurisdiction of the city commission, shall not be affected by the failure of any person to comply with the provisions of this article.

(d) In addition to the penalties provided by this section, individuals found to be in violation may be subject to additional penalties as provided by law. Nothing in this section shall be construed to limit the authority of the county office of the inspector general as provided for by Article XII of the Broward County Charter.

(Ord. No. 11-12-1262, § 2, 12-13-11)

BROWARD COUNTY (CITY OF OAKLAND PARK)

ARTICLE I. - IN GENERAL

Sec. 2-15.5. - Prohibition of the acceptance of gifts and gratuities from known paid lobbyists by elected officers, city officers, and board members.

Definitions:

Gift or *gratuity* is defined as a gift, (defined to be real or personal property), any entertainment, any food or beverage, lodging, travel, or any other item or service to elected officials, board, committee, city officers.

(a) Notwithstanding any other provision of law to the contrary, no one shall take, directly or indirectly, and no member of the city commission or employee of the city, board members or city officers shall knowingly accept, directly or indirectly, any gifts from paid lobbyists.

(b) "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 who seeks any action, decision, recommendation of the elected officials, city advisory board or committee members, or city staff during the time of the entire decision making process. "Lobbyist" does not include a person who is:

(i) An elected official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity;

(ii) 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;

(iii) An 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

(iv) An employee, officer, or board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

(Ord. No. O-2010-012, §§ 2, 3, 3-17-10; Ord. No. O-2012-003, § 2, 2-1-12)

Editor's note— Ord. No. O-2010-012, §§ 2, 3, adopted March 17, 2010, did not specifically amend the Code; hence, inclusion herein as § 2-15.5, was at the discretion of the editor. See also the Code Comparative Table.

Sec. 2-16.5. - Registration of lobbyists.

(a) *Definitions:*

"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 who seeks any action, decision, recommendation of the elected officials, city advisory board or committee members, or city staff during the time of the entire decision making process. "Lobbyist" does not include a person who is:

(i) An elected official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity;

(ii) 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;

(iii) An 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

(iv) An employee, officer, or board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

(b) Prior to engaging in each specific lobbying activity, a lobbyist, as defined herein, shall sign a registration form maintained by the city at designated locations and file with the city clerk or the designee of the city clerk, the registration form which shall require the following information:

(1) The name, address, a telephone number and email address of the lobbyist. The "address" must be physical address (e.g. not a post office box) where the lobbyist either resides or customarily does business.

(2) The nature and extent of any involvement, activity or assistance, whether paid or voluntary, by any lobbyist, or any member of the lobbyist's immediate family, with current or the most recent campaign of any current elect city official, or current candidate.

(3) Name, address, and phone number of the lobbyist's principal(s), if known at the time of registration. The "address" must be a physical address (e.g. a post office box) where the principal either resides or customarily does business.

(4) The general and specific matters upon which the lobbyist intends to lobby, if known at the time of registration.

(c) There shall be no fee charged by the city to any lobbyist or lobbyist's principal for registration or lobbying pursuant to this section.

(d) The lobbyist registration forms shall be maintained in the city clerk's office. The registration form must be signed by the lobbyist and required of each lobbyist for each separate lobby activity undertaken by a lobbyist.

(e) Notwithstanding any provision to the contrary in this section, no lobbyist shall be required to register when attending any public hearing or public meeting of the city commission or a city board in the City of Oakland Park, Florida.

(Ord. No. O-2007-007, § 2, 2-21-07; Ord. No. O-2012-002, § 2, 2-1-12)

BROWARD COUNTY (CITY OF PARKLAND)

Chapter 2.5 - LOBBYIST REGISTRATION[1]

Footnotes:

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Editor's note— Formerly, Ord. No. 2008-33, § 1, adopted Jan. 7, 2009, renumbered and placed the former Ch. 2.5, §§ 2.5-11—2.5-17. These provisions derived from Ord. No. 83, § 1, adopted Jan. 4, 1984.

ARTICLE I. - IN GENERAL

Sec. 2.5-1. - Intent and purpose.

The city commission of the City of Parkland, Florida, hereby determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their municipal government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence city commissioners, board members, the city manager, or employees making decisions or recommendations on purchasing decisions, employment decisions or development permits on matters within their official jurisdictions, either by direct communication or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 2011-2, § 1, 6-1-2011)

Sec. 2.5-2. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Lobbying or lobbying activity means a communication, by any means from a lobbyist to a city official or employee with final decision-making authority or authority to make a recommendation regarding any item that will foreseeably be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade said city official or employee to support or oppose the item. The term "lobbying" does not include communications:

(1) Made on the record at a duly-noticed public meeting or hearing; or

(2) From an attorney to any attorney representing the city regarding a pending or imminent judicial or adversarial administrative proceeding against the city.

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. The term "lobbyist" does not include a person who is:

(1) An elected official, employee, or appointee of the county or of any municipality within the county communicating in his or her official capacity;

(2) 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;

(3) 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

(4) 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.

Person means any individual, business, corporation, association, firm, partnership, nonprofit organization or other organization or group.

(Ord. No. 2011-2, § 1, 6-1-2011; Ord. No. 2011-39, § 1, 1-4-2012)

Sec. 2.5-3. - Lobbying registration and statements.

(a) *Required information.* Prior to engaging in lobbying, every lobbyist shall file with the city clerk a registration statement containing the following information:

(1) The lobbyist's full name, residence address, business address, and nature of business.

(2) The full name and address of his or her employer, if any.

(3) The general and specific subject matters which the lobbyist seeks to influence.

(4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Parkland. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

(5) A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required by paragraph (a) of this section.

(b) *List of employers.* A lobbyist shall file, on an annual basis, a registration statement for each employer on whose behalf he or she lobbies before the city commission, board or city employee or official.

(c) *List of current lobbyists.* The city clerk shall maintain a current list of registered lobbyists and the registration statements required under this section, all of which shall be open for public inspection.

(d) *[Notice of withdrawal.]* Each person who withdraws as a lobbyist for a particular person shall file with the city clerk notice of withdrawal as a lobbyist for that person.

(e) *List of current lobbyists.* The city clerk's office shall maintain a current list of registered lobbyists and all documentation required under this article.

(f) *Registration fee.* An annual lobbyist registration fee may be established by resolution adopted by the city commission. The initial fee shall be one hundred fifty dollars ($150.00) and may be amended by the commission from time to time by resolution. Such fee shall be for the purpose of providing funding to the city to offset the cost of recording, transcription, administration or any other costs incurred in compiling and maintaining these records and making them available to the public.

(Ord. No. 2011-2, § 1, 6-1-2011)

Sec. 2.5-4. - Statement of representation.

All lobbyists engaging in lobbying activities must make a statement of representation at the beginning of their conversation, presentation, letter, telephone call, e-mail, text or facsimile transmission

or other method of communication with the city commission, city board or committee or any member thereof or the city manager or city staff, stating the name of the principal for whom he or she is lobbying.

(Ord. No. 2011-2, § 1, 6-1-2011)

Sec. 2.5-5. - Lobbying former city commissioners, board members and employees; prohibition.

A person who has been elected to the city commission, city manager, or department head shall not conduct lobbying activities for a period of one (1) year after the termination of employment with the city, or within one (1) year from the last day of service to the city in any official capacity. The provisions of this section shall only apply to persons who are officers or employees of the city after the effective date of this section.

(Ord. No. 2011-2, § 1, 6-1-2011)

Sec. 2.5-5.1. - Contact log.

(a) All lobbyists and their principals or employers who intend to meet with or otherwise communicate with a city commissioner at any city facility shall complete a contact log, on a form created by the city, which lists the name of the commissioner, the lobbyist's name, the entity by which the lobbyist is employed or for whom he or she is lobbying, the date and time of the meeting and the specific purpose and subject of the meeting. The log shall be completed contemporarily with the meeting and the log shall be filed daily with the city clerk and be available for public inspection.

(b) For any meetings with lobbyists, or their principals or employers outside of a city facility where lobbying occurs, the city commissioner shall disclose the name of the lobbyist, the entity by whom the lobbyist is employed or for whom he or she is lobbying, the commissioner's name, the date, time and location of the meeting, and the specific purpose and subject matter of the meeting. The disclosure shall be in writing and filed with the city clerk within ten (10) days of the meeting or prior to the vote on the subject of the lobbying activity, whichever occurs first. The disclosures shall be available for public inspection.

(Ord. No. 2011-39, § 2(2.5-5.1), 1-4-2012)

Sec. 2.5-6. - Persons excluded.

The following persons shall not be required to register or make a statement or representation and will not be prohibited from lobbying:

(1) Any person who in his or her individual capacity communicates with the city commission, city board or committee or member thereof or city manager or city staff for the purpose of self-representation without compensation for reimbursement for such communication, to express support of or opposition to any legislation.

(2) Any person who lobbies as a representative or employee of a not-for-profit corporation or entity such as a homeowners or condominium association, or neighborhood association, or other not-for-profit corporation who is not specifically compensated for the lobbying appearance. This exception shall include any person who only appears in his individual capacity, for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item. Additionally, any person requested to appear before any city personnel, board or commission, or any person compelled to answer for or appealing a code violation, a nuisance abatement board hearing, a special master hearing or an administrative hearing shall not be required to register, nor shall any agent, attorney, officer or employee of such person.

(3) Any public officer, employee or appointee of a public body who only appears in his or her official capacity.

(4) Any person who, pursuant to the terms of a collective bargaining agreement, has been designated, and so recognized by the city as being a representative of a collective bargaining unit composed of city employees.

(Ord. No. 2011-2, § 1, 6-1-2011)

Sec. 2.5-7. - Penalties.

Violation of any provision of this article shall be punishable by a fine of five hundred dollars ($500.00) and shall be subject to a resolution of censure by the city commission and shall be prohibited from lobbying the city for a period of two (2) years.

(Ord. No. 2011-2, § 1, 6-1-2011)

BROWARD COUNTY (CITY OF SEA RANCH LAKES)

Chapter 2 - ADMINISTRATION

FOOTNOTE(S):

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Charter reference— Officers, art. II; the mayor, art. III; village council, art. IV; municipal judge, art. V; village attorney, art. VI; police department, art. VII; clerk and administrative employees, art. VIII; revenue and taxation, art. IX; elections, art. X. (Back)

Cross reference— Any administrative ordinance of the village not in conflict or inconsistent with the provisions of this Code saved from repeal, § 1-9(3); any ordinance establishing positions, classifying positions, setting salaries of village officers and employees or any personnel regulations saved from repeal, § 1-9(14); elections, ch. 7; fire department, § 8-26 et seq.; fire prevention bureau, § 8-52 et seq.; law enforcement, ch. 9; planning, ch. 11; taxation, ch. 13; utilities, ch. 15. (Back)

Sec. 2-3. - Registration of lobbyist.

(a) Definitions:

"Lobbyist" shall be defined as any person or persons employed or retained, paid by a principal who seeks to encourage the passage, defeat or modification of any ordinance, resolution, action or decision of any council member: any action, decision, recommendation of the mayor or any village council member: or any action, decision or recommendation of any village personnel during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the village council or a village board. The term specifically includes the principal as well as any employee engaged in lobbying activities.

(b) Prior to engaging in each specific lobbying activity, a lobbyist as defined herein, shall sign a registration form maintained by the village clerk and file with the village clerk or the designee of the village clerk, the registration form which shall require the following information:

(1) The name, address, a telephone number and email address of the lobbyist. The "address" must be physical address (e.g. not a Post Office box) where the lobbyist either resides or customarily does business.

(2) The nature and extent of any involvement, activity or assistance, whether paid or voluntary, by any lobbyist, or any member of the lobbyist's immediate family, with current or the most recent campaign of any current elect village official, or current candidate.

(3) Name, address, and phone number of the lobbyist's principals). if known at the time of registration. The "address" must be a physical address (e.g. a Post Office box) where the principal either resides or customarily does business.

(4) The general and specific matters upon which the lobbyist intends to lobby, if known at the time of registration.

(c) There shall be no fee charged by the village to any lobbyist or lobbyist's principal for registration or lobbying pursuant to this ordinance.

(d) The lobbyist registration forms shall be maintained in the village clerk's office. The registration form must be signed by the lobbyist and required of each lobbyist for each separate

(e) Notwithstanding any provision to the contrary in this section, no lobbyist shall be required to register when attending any public hearing or public meeting of the village or a Village Board in the Village of Sea Ranch Lakes, Florida.

(Ord. No. 2012-01, § 2, 1-25-12)

BROWARD COUNTY (SOUTHWEST RANCHES)

ARTICLE VIII. - GENERAL PROVISIONS

Sec. 8.09. - Lobby or lobbyists.

The definition of the terms "lobby" or "lobbyist", as may be applicable to the Town, shall not include uncompensated residents who are simply advocating for themselves or for other Town residents.

(Ord. No. 2014-004, § 2(exh. A), 6-12-2014, ref. of 11-4-2014)

Chapter 6 - ELECTIONS[1]

Footnotes:

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State Law reference— Florida election code, F.S. ch. 97 et seq.

Sec. 6-2. - Registration of lobbyists.

(a) *Definitions.*

Candidate means an individual who is conducting a campaign for elected office in the town.

Campaign means the election process for any elected town official whether opposed or not and whether a special or regular election, beginning with the date of officially filing for office with the town clerk and ending with the last day of voting which finally determines the outcome of the election.

Consideration means something of actual value.

Covered individual means (i) any member of the town's governing body; (ii) any member of a final decision-making body under the jurisdiction of the town; (iii) any individual directly appointed to a municipal employment position by the town council; (iv) 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; (v) any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to any final decision-making authority regarding a municipal procurement; (vi) any employee, any official, or any member of a board or committee that has authority to make a final decision regarding a public procurement; (vii) the head of any department, division, or office of the town who makes final recommendations to a final decision-making authority regarding items that will be decided by the final decision-making authority; and (viii) members of all quasi-judicial boards, and appointed committees and boards.

Elected official means anyone elected or appointed as a town municipal official.

Immediate family means a spouse, "significant other," domestic partner, or a person who is related to a member of the council, candidate to become a member of the council as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, sister-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the member of the council, candidate to become a member of the council or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the member of the council, candidate to become member of the council or intends to form a household, or any other natural person having the same legal residence as the public officer or employee. For purposes of this section,

"domestic partner" is an adult, unrelated by blood, with whom an unmarried or separated official or employee has an exclusive committed relationship, maintains a mutual residence, and shares basic living expenses.

Legislation means any ordinance, resolution, or proposal of any kind which is the subject of present or prospective action by the municipal official.

Lobbying 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:

(1) Made on the record at a duly-noticed public meeting or hearing; or

(2) From an attorney to an attorney representing the town regarding a pending or imminent judicial or adversarial administrative proceeding against the town.

Lobbyist or *lobbying activities* 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:

(1) An elected official, employee, or appointee of the town communicating in his or her official capacity.

(2) 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.

(3) 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

(4) 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.

Municipal official means any individual serving as a member of the governing body of the town.

Person means any individual, business, corporation, association, partnership, governmental agency or other association recognized as a legal entity pursuant to state law.

Registration means providing the information required by this section, in writing, annually, and in supplements and amendments, as may be required. "Register" means to provide a registration in such a manner.

(b) *Registration.*

(1) Prior to engaging in lobbying activities, every lobbyist shall register with the town by filing with the town clerk the following information in writing:

a. The name, address and telephone number of the lobbyist. The "address" must be a physical address (e.g. not a post office box) where the lobbyist either resides or customarily does business.

b. The name, address and telephone number of who the lobbyist represents. The "address" must be a physical address (e.g. not a post office box) where the lobbyist either resides or customarily does business.

c. The general and specific matters upon which the lobbyist intends to lobby, if known at the time of registration.

d. The nature and extent of any business, professional or familial relationship which the lobbyist, or any member of the lobbyist's immediate family, or the lobbyist's client or

principal, has had with any covered individual, or member of the immediate family of any covered individual within the period of time commencing twenty-four (24) months prior to registration and extending through the date of registration.

e. Any lobbyist receiving consideration for their lobbyist activities, must list of all campaign contributions to sitting municipal officials in the past four (4) years as well as contributions of all immediate family, lobbyist's principal, the officers, directors, shareholders of the lobbyist if the lobbyist is a corporation, or partners if the lobbyist is a partnership, or members, whether general or limited, if the lobbyist is a limited liability company, or lobbyist's client, which shall be disclosed in accordance with the town's code of ethics.

f. Any lobbyist receiving consideration for their lobbyist activities, must also include a list of any gift, including meals, valued over twenty-five dollars ($25.00) given to any municipal official, spouses or registered domestic partners, their other relatives, and the municipal office staff.

(2) All lobbyists shall fully, completely, accurately, and not misleadingly register and not omit material information, and/or file misleading and/or deceitful information in the registration.

(3) There shall be a fifty dollars ($50.00) annual registration fee charged by the town to any lobbyist receiving consideration for their lobbying activities. Only one (1) annual registration fee and form is required. However, if any of the information required in the registration form is new or changed, then the lobbyist must supplement or amend the registration before performing additional lobbying activities.

(4) The registration information, and any supplement or amendment information shall be filed in the town clerk's office. The registration must be signed by the lobbyist and attested to under penalty of perjury.

(5) Registration will be annual based upon the calendar year, and shall be renewed annually by the lobbyist for each year during which the lobbying activities are to take place.

(6) Notwithstanding any provision to the contrary in this section, no lobbyist shall be required to register if the lobbyist only speaks at a public meeting of the town.

(c) *Penalties.*

(1) Once the town clerk has been notified of a failure to comply with registration requirements, the town shall collect a one-hundred dollar ($100.00) late registration fee and register the lobbyist. Further, the failure to register shall be brought to the attention of the town council, who may set additional fines, reprimand, suspend, or prohibit the lobbyist from lobbying before the town council or members thereof, for a period not to exceed two (2) years.

(Ord. No. 2010-04, § 2, 1-21-2010; Ord. No. 2012-004, §§ 2, 3, 5-10-2012)

Editor's note— Ord. No. 2010-04, § 2, adopted Jan. 21, 2010, did not specifically amend the Code; hence, inclusion herein as § 6-2 was at the editor's discretion.

ARTICLE IX. - PROCUREMENT CODE

Sec. 2-208. - Competitive bid procedure.

(a) *General requirements.* The following procedures shall be used for purchases within level 4. The town administrator shall be responsible for determining the procurement method (IFB, RFP or RLI) to be used for a particular procurement. The solicitation document should include, at a minimum:

(1) The purchase description;

(2) Specifications covering the item(s) needed;

(3) Terms and conditions of the proposed contract;

(4) General and special instructions to bidders, including the manner in which bids are to be submitted and the criteria for evaluating them;

(5) Price sheets for the vendors to submit prices for the items requested and price increases for renewal years;

(6) An offer and acceptance sheet for the vendor to sign its bid; and

(7) The date, time and location where bids or proposals will be accepted.

In the case of construction solicitations, the initiating department shall be responsible for ensuring plans and specifications are reviewed and approved by the building department and that the design professional has obtained all necessary approvals prior to advertising bid documents.

(b) *Selection and negotiation committees.*

(1) Where a selection committee (SC) or selection and negotiation committee (SNC) is required, the town administrator shall appoint the committee members. Town council members shall not serve on either an SC or an SNC. Selection committees shall have a minimum of three (3) and a maximum of five (5) members, and be comprised by an odd number of members. For three (3) member committees, at least one (1) member shall be a town employee, and for five (5) member committees, at least two (2) members shall be town employees. Except as provided in this subsection, no person other than town employees may serve on an SC or SNC. Persons from the private sector may be appointed as members of committees when contractual arrangements require the participation of the private sector. Persons from the public sector who are experts in certain areas may also be appointed to serve on committees. Additionally, representatives of the Broward County Chapter of the Florida Engineering Society and the AIA Fort Lauderdale may be appointed as members of committees for projects in which such local construction knowledge and experience is applicable. All committee members shall be free of conflicts of interest as provided in F.S. ch. 112, part III, as amended, and the Broward County Code of Ordinances, to the extent made applicable to the town. Notwithstanding the above, nothing herein shall be construed to prohibit members of the town council from serving on an SC or SNC where otherwise permitted by the applicable Broward County Code of Ordinances.

(2) Department staff involved in the purchase and the town clerk or designee shall assist the SC or SNC with respect to background and reference checks, confirmation of responsiveness, coordination of meetings and other administrative tasks as may be necessary. The office of the town attorney shall provide advisory legal assistance to the committee. A majority of the members of the committee shall constitute a quorum, except in no event shall a quorum be less than three (3) members. Once a quorum is established, a committee meeting may start without regard to the absence of any other committee member. Appearance by telephone or conference call, as may otherwise be provided in this code shall not be permitted to achieve a quorum. Physical presence of committee members is required during any meetings wherein presentations or question an answer sessions are conducted with vendors and for ranking decisions. A committee member who is not present during all of the presentations or question and answer sessions shall not vote on the ranking itself. Portions of meetings of the SC or SNC shall be exempt from the sunshine law in accordance with F.S. § 286.0113.

(3) If no contract negotiation is required, the town administrator may proceed to present the ranking and award recommendation to the town council. If negotiation is required with the top ranked firm, the committee shall proceed to meet with the top ranked firm as soon as practicable in accordance with the standard procedures set forth in this subsection. Alternatively, if negotiation by a committee is not required, and as may be provided in the solicitation, the town may designate a purchasing negotiator, who assisted by town staff, will attempt to negotiate a contract with the first-ranked/highest-evaluated vendor. The negotiated contract will be forwarded by the purchasing negotiator to the town administrator for final consideration by the awarding authority.

(c) *Cone of silence.*

(1) *Defined.* "Cone of silence," as used herein, means a prohibition on any communication regarding a particular request for proposal ("RFP"), request for letters of interest ("RLI") or invitation for bid ("IFB"), between:

a. A potential vendor, service provider, proposer, bidder, lobbyist, or consultant; and

b. The town council members, town's professional staff including, but not limited to, the town administrator and his or her staff, or any member of the town's selection or evaluation committee.

(2) *Restriction; notice.* A cone of silence shall be imposed upon each IFB, RFP and RLI, from the time of the advertisement. At the time of imposition of the cone of silence, the town administrator shall provide for public notice of the cone of silence by posting a notice at the town hall. The town administrator shall issue a written notice thereof to the affected departments, file a copy of such notice with the town clerk, with a copy thereof to each town council member, and shall include in any public solicitation for goods or services a statement disclosing the requirements of this subsection.

(3) *Termination of cone of silence.* The cone of silence shall terminate at the beginning of the town council meeting at which the town administrator makes his or her written recommendation to the town council. However, if the town council refers the solicitation back to the administrator, staff or committee for further review, the cone of silence shall be re-imposed until such time as the administrator makes a subsequent written recommendation and commencement of the council meeting. The cone of silence shall also terminate in the event that the town administrator cancels the solicitation.

(4) *Exceptions to applicability.* The provisions of this section shall not apply to:

a. Oral communications at pre-bid conferences;

b. Oral presentations before selection or evaluation committees;

c. Public presentations or comments made to the town council when the solicitation is on a duly noticed agenda;

d. Communications in writing with the town employee designated by the solicitation. The bidder or proposer shall file a copy of any written communication with the town clerk. The town clerk shall make copies available to any person upon request;

e. Communications regarding a particular RFP, RLI or IFB between a potential vendor, service provider, proposer, bidder, lobbyist or consultant and the town employee designated responsible for administering the procurement process for such RFP, RLI or IFB, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document;

f. Communications with the town attorney and his or her staff;

g. Duly noticed site visits to determine the competency of bidders or proposers regarding a particular solicitation during the time period between the opening of bids or proposals and the time the town administrator makes his or her written recommendation;

h. Any emergency procurement of goods or services pursuant to Town Code;

i. Responses to the town's request for clarification or additional information;

j. Contract negotiations during any duly noticed public meeting;

k. Communications to enable town staff to seek and obtain industry comment or perform market research, provided all communications related thereto between a potential vendor, service provider, proposer, bidder, lobbyist, or consultant and any member of the town's professional staff including, but not limited to, the town administrator and his or her staff are in writing or are made at a duly noticed public meeting.

(5) *Penalties.* Prior to an award, violation of this section shall result in the disqualification of the bidder or proposer from further consideration. Discovery of a violation after an award by a particular bidder or proposer shall render any RFP award, RLI award or bid award to said bidder or proposer voidable by the town, and in the town's sole discretion.

(d) *Public notice.* Unless pre-authorized by the town administrator, public notice of formal competitive solicitations shall be given not less than fourteen (14) calendar days prior to the date set forth in the notice for the opening of bids and proposals. Such notice shall be given by posting on-line, by advertising service or publication in a newspaper of general circulation in the town. The notice shall state the place, date and time of the bid or proposal opening. The notice requirements may be altered when required by applicable Florida Statutes.

(1) *Bid and proposal submission.* Bids, proposals and responses to competitive solicitations shall be submitted in a sealed envelope which shall be clearly identified as a bid, proposal, or response and the applicable solicitation name and number shall also be identified on the exterior of the envelope and delivered to the office of the town clerk's office. Bids, proposals, or responses submitted by fax or email shall not be accepted. Additionally, bids, proposals, or responses which are in pencil shall not be accepted.

a. When required by the solicitation, a pre-bid or pre-proposal meeting may be held after the issuance of the solicitation and before the bid or proposal due date, and in accordance with the solicitation.

b. Bids and proposals shall be opened publicly by the town administrator or designee and shall be witnessed by any person duly authorized by the town administrator at the time and place designated in the public notice of the solicitation. Persons in attendance at all bid meetings shall be documented by sign-in sheet.

c. For requests for proposals, a register of proposals shall be prepared and maintained by the responsible staff containing the name of each offeror.

d. No late bids shall be accepted or opened if received after the date and time specified in the public bid notice. All late bids shall be returned, unopened to the bidder or offeror.

e. Where applicable, selection committee meetings must be publicly noticed, convened and recorded within reasonable time from the opening and in accordance with the solicitation and F.S. §§ 286.011 and 286.0113. Notwithstanding anything herein which may be construed to the contrary, information which is exempt from public inspection or copying pursuant to F.S. § 119.071 shall not be disclosed during bid or proposal opening, and shall be maintained as exempt unless and until disclosure is required or permitted by law.

(Ord. No. 2011-015, § 10, 9-22-2011; Ord. No. 2012-08, § 2, 7-12-2012)

BROWARD COUNTY (CITY OF SUNRISE)

ARTICLE I.5. - LOBBYING

Sec. 2-10. - Title; intent and purpose.

(a) This article shall be known and may be cited as the "City of Sunrise Lobbying Registration Act."

(b) *Purpose and intent.* The City of Sunrise believes that it is desirable to preserve and maintain the integrity of the governmental decision-making process. As such, the city believes that it is necessary that the identity, expenditures, fees, and activities of certain persons who engage in efforts to influence city commissioners on matters within their official jurisdictions, either by direct communication to such commissioners or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 486-12-A, § 3, 1-10-12)

Sec. 2-11. - Definitions.

As used in this article, unless the context otherwise indicates:

(a) *Commission* means the City Commission of the City of Sunrise, Florida.

(b) *Elected official* means any member of the City Commission of the City of Sunrise.

(c) *Expenditure* means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.

(d) *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:

(1) Made on the record at a duly-noticed public meeting or hearing; or

(2) From an attorney to an attorney representing the City of Sunrise regarding a pending or imminent judicial or adversarial administrative proceeding against the City of Sunrise.

(e) *Person* means any individual, business, corporation, association, firm, partnership, organization, group, or other entity, whether operated for profit or not for profit.

(f) *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:

(1) An elected official, employee, or appointee of the City of Sunrise, Broward County or of any municipality within Broward County communicating in his or her official capacity;

(2) 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;

(3) An 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

(4) An employee, officer, or board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

(g) *Employer* means any person providing or agreeing to provide compensation of any kind to a lobbyist in consideration for his or her performance of lobbying activities.

(h) *Compensation* means paying or agreeing to pay or give, directly or indirectly, any money, anything of value, or reimbursement of expenses (in whole or in part), in consideration for the performance of lobbying activities.

(Ord. No. 486-12-A, § 3, 1-10-12)

Sec. 2-12. - Lobbying registration, statements, and fees.

(a) Prior to engaging in any lobbying activities, whether or not compensation is paid or received in connection with those activities, each lobbyist shall file with the city clerk, on a form prescribed by the city clerk, an annual lobbyist registration form statement under oath containing the following information:

(1) The lobbyist's full name, business name, business address, and nature of business;

(2) The full name and business address of all persons on whose behalf the lobbyist will be lobbying. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to the registration statement in form prescribed by the city clerk, containing all the information required in the annual registration statement;

(3) The general and specific subject matters which the lobbyist seeks to influence;

(4) The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Sunrise. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation;

(5) A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter;

(6) The lobbyist shall pay to the city any registration fee required for an annual or amended registration statement. The city commission may determine and amend the registration fee by resolution. A lobbyist who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities.

(b) A lobbyist is required to promptly amend any filed registration statement if any information in the statement changes.

(c) Registration statements are effective from October 1 of a given year through September 30 of the following year. A new registration statement shall be filed, and all required fees shall be paid, prior to engaging in any lobbying activities after expiration of a previously-filed registration statement.

(d) *Annual expenditures report disclosure statement required.* On or before October 15 of each year, each lobbyist shall submit to the city clerk, in form prescribed by the city clerk, a signed statement under oath, disclosing all lobbying expenditures, contingency fees, and the sources from which funds for making such expenditures and paying such contingency fees have come. The statement shall provide such information with respect to all lobbying activities undertaken from October 1 of the prior year through September 30 of the year in which such disclosure statement is required to be filed. Lobbying expenditures shall not include the lobbyist's personal expenses for lodging, meals, and travel. A statement shall be filed even if there have been no expenditures during a reported period. A

public official acting in his or her official capacity shall not be required to file the statement required by this subsection.

(e) Upon verification of a lobbyist's failure to file the expenditures report, the city clerk shall notify the lobbyist by certified mail that the expenditures report must be filed within five (5) business days following receipt of the notice. The name of any lobbyist who fails to comply with said requirement shall be automatically removed from the list of active lobbyists. Should said person wish to re-register as a lobbyist, he or she shall submit the outstanding annual expenditures report, a new registration form, and payment for any outstanding fines accrued prior to re-registration.

(f) *Penalties for violations.* Penalties may be determined by the city commission after it issues written notice to any violator and provides said violator with thirty (30) days to request a public hearing.

(1) The following penalties are established and may be considered by the city commission in enforcement of this article through prosecution of violations pursuant to the City Code.

a. Public reprimand or censure;

b. Debarment for a period not to exceed two (2) years;

c. Authorize a civil action in a court of competent jurisdiction, including an action for injunctive relief;

d. Any lobbyist who fails to file the expenditures report by the respective deadlines of October 15 of any year for each fiscal year shall be subject to a daily fine of twenty-five dollars ($25.00) for each late day up to a maximum of one thousand five hundred dollars ($1,500.00) per late report.

(2) The city clerk shall submit a report to the city commission as to those lobbyists who have failed to comply with registration and/or the annual filing requirement of this article.

(3) In any action filed by the city to enforce this ordinance, the city shall be entitled to recover reasonable attorney's fees and costs.

(g) *List of current lobbyists.* The city clerk shall keep a current list of registered lobbyists and their respective statements, all of which shall be open for public inspection.

(h) *Partial year filing required.* Discontinuance of lobbying activities during a year shall not relieve the lobbyist of the requirement to file the statement required by subsection (d) above for that portion of the year during which the lobbyist was engaged in lobbying activities.

(Ord. No. 486-12-A, § 3, 1-10-12)

Sec. 2-13. - Contingency fees; disclosure; penalties.

(a) *"Contingency fee"* means any consideration, including a fee, bonus, commission, or benefit, whether monetary or nonmonetary, as compensation for lobbying, which consideration is in any way dependent or contingent on the enactment, defeat, modification, or other outcome of any specific action of the commission.

(b) A lobbyist shall disclose any compensation received in the form of contingency fees in the disclosure statement filed pursuant to section 2-12.

(c) A failure to comply with this section may result in the penalties provided in section 2-12 or any other penalties provided by law.

(Ord. No. 486-12-A, § 3, 1-10-12)

Sec. 2-14. - Registration of contacts.

All lobbyists shall legibly complete, at each time of meeting or communication with an elected official at the elected official's offices or elsewhere on city premises, a contact log maintained and available in the office reception areas of the city commissioners' office. The information on the contact log shall include the lobbyist's name, the name of the entity by which the lobbyist is employed; the name of each elected official with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting. The contact log shall be completed contemporaneously with the meeting or communication and shall be filed for public inspection.

(Ord. No. 486-12-A, § 3, 1-10-12)

Sec. 2-15. - Reserved.

BROWARD COUNTY (CITY OF TAMARAC)

ARTICLE XII. - LOBBYING ACTIVITIES

Sec. 2-409. - Title; intent and purpose.

(a) Sections 2-409 through 2-415 of Chapter 2, Tamarac Code of Ordinances, may be cited as the "Tamarac Lobbyist Registration Act."

(b) The Broward County Code of Ethics for Elected Officials provides that all municipalities in Broward County shall establish lobbyist registration procedures. The city commission determines that the registration of lobbyists promotes the integrity of the governmental decision-making process and fosters transparency in government by providing the identity and activities of certain persons who engage in efforts to influence city commissioners and decision-making bodies under the jurisdiction of the city commission.

(Ord. No. 18, § 2, 12-14-11)

Sec. 2-410. - Definitions.

As used in this article, unless the context otherwise indicates:

Board means the city commission of Tamarac, Florida, or any other decision-making body under the jurisdiction of the city commission.

Lobbying or lobbying activities means a communication, by any means, from a lobbyist to a member of a board regarding any item that will foreseeably be decided by the board, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communications made on the record at a duly-noticed public meeting or hearing.

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:

(1) An elected official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.

(2) 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.

(3) 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

(4) 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.

Person means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.

(Ord. No. 18, § 2, 12-14-11)

Sec. 2-411. - Lobbyist registration and statements.

(a) *Registration statement required.* By January 2, 2012, and annually thereafter, every lobbyist shall file with the city clerk the following information:

(1) Prior to engaging in lobbying activities, a registration statement under oath containing the following information:

a. The lobbyist's full name, residence address, business address, and nature of business.

b. The full name and address of all persons on whose behalf the lobbyist will be lobbying. If, after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any lobbying activities on behalf of such unlisted person(s), file an amendment to the registration statement in form prescribed by the city clerk, containing all the information required in the annual registration statement.

c. The subject matters which the lobbyist seeks to influence.

d. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Tamarac. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

e. A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required this subsection.

(b) *List of current lobbyists.* The city clerk's office shall keep a current list of registered lobbyists and their respective reports required under this article, all of which shall be open for public inspection.

(c) *Fees.* A lobbyist shall pay to the city clerk's office an annual registration fee. The registration fees required by this section shall be expended for the purpose of defraying the administrative costs of implementing, monitoring, and otherwise ensuring compliance with this section and shall be determined by resolution of the city commission. A lobbyist, who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities.

(Ord. No. 18, § 2, 12-14-11)

Sec. 2-412. - Filing of contact log.

To promote full and complete transparency, lobbyists and their principals or employers who intend to meet or otherwise communicate with a member of the board for the purpose of engaging in lobbying activities, either at the board member's offices or elsewhere on city premises, must legibly complete a contact log listing each member of the board with whom the lobbyist, principal, or employer meets or intends on meeting or communicating.

(1) The information stated on the contact log shall include the lobbyist's name; the name of the entity by which the lobbyist is employed; the name of the person or entity for whom or which he or she is lobbying; the name of each member of the board with whom he or she is meeting or communicating; the date and time of each such meeting; and the specific purpose and subject matter of each such meeting.

(2) The contact log shall be completed contemporaneously with the meeting(s) and shall be filed for public inspection.

(Ord. No. 18, § 2, 12-14-11)

Sec. 2-413. - Prohibition on use of lobbying statements.

No information obtained from lobbying statements required by this article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. No. 18, § 2, 12-14-11)

Sec. 2-414. - Contingency fees; disclosure.

(a) "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment, defeat, modification, or other outcome of any specific action of the city commission.

(b) A lobbyist shall separately disclose to the city clerk any compensation received in the form of contingency.

(Ord. No. 18, § 2, 12-14-11)

Sec. 2-415. - Penalties.

(a) The city attorney or city manager, or their designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the registration, reporting requirements and prohibitions of this act, and, in each such instance, shall conduct such investigation as he or she shall deem necessary under the circumstances. The results of each investigation shall be reported to the city commission.

(b) The city commission may warn, reprimand, or censure the violator or may suspend or prohibit the violator from appearing on behalf of any employer before the city commission or any decision-making body under the jurisdiction of the city commission or from otherwise lobbying for any employer in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two (2) years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard.

(c) The validity of any action taken by the city commission, city employees, or any decision-making body under the jurisdiction of the city commission, shall not be affected by the failure of any person to comply with the provisions of this article.

(d) In addition to the penalties provided by this section, individuals found to be in violation may be subject to additional penalties as provided by law. Nothing in this section shall be construed to limit the authority of the Broward County Office of the inspector general as provided for by Article XII of the Broward County Charter.

(Ord. No. 18, § 2, 12-14-11)

Secs. 2-416—2-420. - Reserved.

BROWARD COUNTY (CITY OF WEST PARK)

ARTICLE VII. - LOBBYING ACTIVITIES

Sec. 2-201. - Title; intent and purpose.

(a) Sections 2-201 through 2-207 of chapter 2, West Park Code of Ordinances, may be cited as the "West Park Lobbyist Registration Act. "

(b) The Broward County Code of Ethics for Elected Officials provides that all municipalities in Broward County shall establish lobbyist registration procedures. The City Commission of the City of West Park hereby determines that the registration of lobbyists promotes the integrity of the governmental decision-making process and fosters transparency in government by providing the identity and activities of certain persons who engage in efforts to influence city commissioners and covered individuals under the jurisdiction of the city commission.

(Ord. No. 2012-05, § 2, 5-2-2012)

Sec. 2-202. - Definitions.

As used in this article, unless the context otherwise indicates:

Board means the City Commission of West Park, Florida or any other decision-making body under the jurisdiction of the city commission.

Covered individual means (i) any member of the city commission; (ii) the mayor of the city; (iii) any member of a final decision-making body under the jurisdiction of the city commission; (iv) all city officials and offices appointed by the city commission or mayor; (v) any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to any final decision-making authority regarding a city procurement; the head of any department, division, or office of the city who makes final recommendations; (vi) members of taxing authorities, quasi-judicial boards or committees and (vii) members of appointed boards and committees.

Lobbying or *lobbying activities* means a communication, by any means, from a lobbyist to a member of a Board regarding any item that will foreseeably be decided by the board, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item. Lobbying does not include communication made on the record at a duly-noticed public meeting or hearing.

Person means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.

Lobbyist means:

(1) A person who is retained, with or without compensation, for the purpose of lobbying; or

(2) 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; or

(3) A person who is a board member or administrative staff of a non-profit organization seeking to secure an agreement to provide services to or on behalf of the city.

"Lobbyist" does not include a person who is:

(1) An elected official, employee or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.

(2) 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.

(3) Any employee, officer or board member of a homeowner's 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

(4) Any employee, officer or board member of a nonprofit public interest entity (e.g. Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

(Ord. No. 2012-05, § 2, 5-2-2012)

Sec. 2-203. - Lobbyist registration and statements.

(a) *Registration statement required.* By May 3, 2012 and annually thereafter, every lobbyist shall file the following information with the city clerk:

(1) Prior to engaging in lobbying activities, a sworn registration statement, containing the following information:

a. The lobbyist's full name, residence address, business address and nature of business.

b. The full name and address of all persons on whose behalf the lobbyist will be lobbying. If after filing the registration statement, the lobbyist intends to lobby on behalf of any person(s) not listed on the registration statement, the lobbyist shall, prior to engaging in any activities on behalf of such unlisted person(s), file an amendment to the registration statement in such form prescribed by the city clerk, containing all the information required in the annual registration statement.

c. The subject matters which the lobbyist seeks to influence.

d. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of West Park. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

e. A lobbyist representing a group, association or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion or other documentation of action shall be attached to the statements required by this subsection.

(b) *Lists of current lobbyists.* The city clerk shall keep a current list of registered lobbyists and their respective reports required under this Article, all of which shall be open for public inspection.

(c) *Fees.* A lobbyist shall pay an annual registration fee to the city clerk's office. The registration fees required by this section shall be expended for the purpose of defraying the administrative costs of implementing, monitoring and otherwise ensuring compliance with this section and shall be determined by resolution of the city commission. A lobbyist, who is lobbying as a volunteer, without any compensation, is not required to pay a registration fee in connection with those uncompensated lobbying activities.

(Ord. No. 2012-05, § 2, 5-2-2012)

Sec. 2-204. - Filing of a contact log.

To promote full and complete transparency, lobbyists and their principals or employers who intend to meet or otherwise communicate with a member of the board for the purpose of engaging in lobbying activities, either at the board member's offices or elsewhere on city premises, must legibly complete a

contact log listing each member of the board with whom the lobbyist, principal or employer meets or intends on meeting or communicating.

(1) The information stated on the contact log shall include (i) the lobbyist's name; (ii) the name of the entity by which the lobbyist is employed; (iii) the name of the person or entity for whom or which he or she is lobbying; (iv) the name of each member of the board with whom he or she is meeting or communicating; (v) the date and time of each such meeting and (vi) the specific purpose and subject matter of each such meeting.

(2) The contact log shall be completed contemporaneously with the meeting(s) and shall be filed for public inspection.

(Ord. No. 2012-05, § 2, 5-2-2012)

Sec. 2-205. - Prohibition on use of lobbying statements.

No information obtained from lobbying statements required by this article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. No. 2012-05, § 2, 5-2-2012)

Sec. 2-206. - Prohibition on lobbyists serving on committees and boards.

No lobbyist may serve on an advisory board of the city. If it is determined by the city administrator or designee that an appointed member of a city advisory board or committee has either registered as a lobbyist or is operating as a lobbyist, said person shall no longer be permitted to serve on the applicable board or committee. In such circumstance, the city administrator shall send a letter to the lobbyist with a copy to all Commissioners and covered individuals as defined herein. The lobbyist shall not be considered for reappointment to any board committee until 12 months following the time that the person engaged in the last lobbying activity or as determined by the city commission.

(Ord. No. 2012-05, § 2, 5-2-2012)

Sec. 2-207. - Contingency fees; disclosure.

(a) "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation, which is dependant, or in any way contingent on the enactment, defeat, modification or other outcome of any specific action of the city commission.

(b) A lobbyist shall separately disclose to the city clerk any compensation received in the form of a contingency.

(Ord. No. 2012-05, § 2, 5-2-2012)

Sec. 2-208. - Reporting and penalties.

(a) The Broward County Inspector General may be informed of any person engaged in lobbying activities who has failed to comply with the registration, reporting requirements and prohibitions of this act, and in such instance, may conduct such investigation as he or she may deem necessary under the circumstances. The results of each investigation shall be reported to the city commission.

(b) The city commission may warn, reprimand or impose a penalty as set forth in the city's Code of Ordinances or censure the violator or may suspend or prohibit the violator from appearing on behalf

of any employer or person before the city commission or any decision-making body under the jurisdiction of the city commission or from otherwise lobbying for any employer or person in any fashion for a period of time not to exceed two years. Other than committee service as set forth in section 2-206 of this article, no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard.

(c) The validity of any action taken by the city commission, city employees or any decision-making body under the jurisdiction of the city commission, shall not be affected by the failure of any person to comply with the provisions of this article.

(d) In addition to the penalties provided by this section, individuals found to be in violation may be subject to additional penalties as provided by law. Nothing in this section shall be construed as to limit the authority of the Broward County Office of the Inspector General as provided for by Article XII of the Broward County Charter.

(Ord. No. 2012-05, § 2, 5-2-2012)

BROWARD COUNTY (CITY OF WILTON MANORS)

ARTICLE IX. - LOBBYING ACTIVITIES

Sec. 2-352. - Title; intent and purpose.

(a) Sections 2-352 through 2-358 of this Code, may be cited as the "Wilton Manors Lobbyist Registration Act."

(b) The city commission determines and declares that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their city government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; and that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity, expenditures, fees, and activities of certain persons who engage in efforts to influence city commissioners, decision-making bodies under the jurisdiction of the city commission, and certain city employees on matters within their official jurisdictions, either by direct communication to such city commissioners, decision-making bodies, or city employees, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed.

(Ord. No. 944, § 2, 3-3-2009)

Sec. 2-353. - Definitions.

As used in this article, unless the context otherwise indicates:

Board means the City Commission of Wilton Manors, Florida.

Lobbying means communicating directly or indirectly, either in person, by telephone or by letter, or any other form of communication, with any city commissioner or any member of any decision-making body under the jurisdiction of the city commission, or any city employee, where the lobbyist seeks to encourage the passage, defeat, modification, or repeal of any item which may be presented for a vote before the city commission, or any decision-making body under the jurisdiction of the city commission, which may be presented for consideration by a city employee as a recommendation to the city commission or decision-making body or any employee making a final city procurement decision.

Person means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.

Lobbyist means any person who is employed and receives payment or who contracts for economic consideration for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. Any person who, in his or her individual capacity, merely communicates with the city commission, a commissioner, a decision-making body under the jurisdiction of the city commission, or any city employee, for the purpose of self-representation, without compensation or reimbursements, to express support of or opposition to any item which may be presented for a vote before the city commission, and who shall so declare to the person or body with whom he or she discusses any such item, shall not be required to register as a lobbyist. Additionally, any individual who engages in lobbying as a volunteer, without payment of any compensation or reimbursement of expenses, either directly or indirectly, shall not be required to register as a lobbyist.

Employer means any person providing compensation of any kind to a lobbyist in consideration for his or her performance of lobbying activities.

(Ord. No. 944, § 2, 3-3-2009)

Sec. 2-354. - Lobbying registration and statements.

(a) *Registration statement required.* Every lobbyist shall file with the city clerk the following information:

(1) Prior to engaging in lobbying activities, a registration statement under oath containing the following information:

a. The lobbyist's full name, residence address, business address, and nature of business.

b. The full name and address of his or her employer, if any.

c. The general and specific subject matters which the lobbyist seeks to influence.

d. The extent of any direct business association by the lobbyist with any current elected or appointed official or employee of the City of Wilton Manors. For the purposes of this article, the term "direct business association" shall mean any mutual endeavor undertaken for profit or compensation.

e. A lobbyist representing a group, association, or organization shall, prior to engaging in lobbying, receive appropriate authorization from said group, association, or organization to lobby on its behalf upon a particular subject matter. A copy of the applicable minutes, motion, or other documentation of action shall be attached to the statements required by paragraphs (1) and (2) of this subsection.

(2) A lobbyist shall annually submit to the city clerk's office a signed statement under oath, disclosing all lobbying expenditures, contingency fees, and the sources from which funds for making such expenditures and paying such contingency fees have come. The statement required herein for the period from October 1 to September 30 shall be filed no later than October 15 of each year. Lobbying expenditures shall not include personal expenses for lodging, meals, and travel. Said statements shall be rendered in the form provided by the city attorney's office and shall be open to public inspection. A statement shall be filed even if there have been no expenditures during a reported period. A public official acting in his or her official capacity shall not be required to file the statement required by this subsection.

(3) Statements shall be filed not later than 5:00 p.m. on the date the statement is due. However, any statement that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner. The city clerk shall provide for a procedure by which a lobbyist who fails to timely file a statement shall be notified and assessed fines. The procedure shall provide for the following:

a. Upon determining that the statement is late, the person designated to review the timeliness of statements shall immediately notify the lobbyist as to the failure to timely file the statement and that a fine is being assessed for each late day. The fine shall be fifty dollars ($50.00) per day for each late day.

b. Upon receipt of the statement, the person designated to review the timeliness of statements shall determine the amount of the fine due based upon the earliest of the following:

1. When a statement is actually received.

2. When the statement is postmarked.

3. When the certificate of mailing is dated.

4. When the statement from an established courier company is dated.

c. Such fine shall be paid within twenty (20) days after receipt of the notice of payment due, unless appeal is made to the city commission.

d. A fine shall not be assessed against a lobbyist the first time any statement for which the lobbyist is responsible is not timely filed. However, to receive the one-time fine waiver, all

statements for which the lobbyist is responsible must be filed within twenty (20) days after receipt of notice that any statements have not been timely filed. A fine shall be assessed for any subsequent late-filed statement.

e. Any lobbyist may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the city commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within twenty (20) days after receipt of the notice of payment due. In such case, the lobbyist shall, within the twenty-day period, notify the person designated to review the timeliness of statements in writing of his or her intention to bring the matter before the city commission.

(b) *List of current lobbyists.* The city clerk's office shall keep a current list of registered lobbyists and their respective reports required under this article, all of which shall be open for public inspection.

(c) *List of employers.* A lobbyist shall file a registration statement for each employer on whose behalf he or she lobbies.

(d) *Partial year filing required.* Discontinuance of lobbying activities during a year shall not relieve the lobbyist from the requirement of filing the statement required by subsection (a)(2) above for that portion of the year during which the lobbyist was engaged in lobbying activities.

(Ord. No. 944, § 2, 3-3-2009)

Sec. 2-355. - Prohibition on use of lobbying statements.

No information obtained from lobbying statements required by this article shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. No. 944, § 2, 3-3-2009)

Sec. 2-356. - Contingency fees; disclosure; penalties.

(a) "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment, defeat, modification, or other outcome of any specific action of the city commission.

(b) A lobbyist shall disclose any compensation received in the form of contingency fees in the annual statement filed pursuant to subsection 2-354(a)(2).

(c) In addition to the penalties provided in sections 2-354 and 2-357, any knowing or intentional violation of this section shall be punishable as provided by law.

(Ord. No. 944, § 2, 3-3-2009)

Sec. 2-357. - Penalties.

(a) The city attorney or city manager, or their designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the registration, reporting requirements and prohibitions of this act, and, in each such instance, shall conduct such investigation as he or she shall deem necessary under the circumstances. The results of each investigation shall be reported to the city commission.

(b) The city commission may warn, reprimand, or censure the violator or may suspend or prohibit the violator from appearing on behalf of any employer before the city commission or any decision-making body under the jurisdiction of the city commission or from otherwise lobbying for any

employer in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two (2) years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard. The penalties provided in this section shall be the exclusive penalties imposed for violations of the registration and reporting requirements of this act, except as provided in subsection 2-356(c). The intentional failure or refusal of any lobbyist to comply with any order of the city commission suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall otherwise be subject to such civil remedies as the city may pursue, including injunctive relief.

(c) The validity of any action taken by the city commission, city employees, or any decision-making body under the jurisdiction of the city commission, shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 944, § 2, 3-3-2009)

Sec. 2-358. - Registration of contacts.

All persons shall sign, at each time of contact, the contact logs maintained and available at city hall and each department of city government. The person shall state his or her name; the name of each employer, if any, represented in the course of the particular contacts; with whom the contact is made; and the topic of the contact. The contact logs shall be transmitted to the city manager at the end of each quarter.

(Ord. No. 944, § 2, 3-3-2009)

Sec. 2-359. - Annual registration fee.

The annual registration fee to be paid by a lobbyist shall be one hundred fifty dollars ($150.00). The annual registration fee shall be paid within ten (10) days after filing a registration statement. The annual registration fee may be amended by resolution of the city commission.

(Ord. No. 1001, § 2, 1-24-12)

COLLIER COUNTY

ARTICLE X. - COLLIER COUNTY ETHICS[28]

Footnotes:

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Editor's note— Ord. No. 2004-05, §§ 1—10, amended Art. X, §§ 2-2051—2-2060, in its entirety. Formerly, said article pertained to similar subject matter as enacted by Ord. No. 2003-53.

Sec. 2-2051. - Title and citation.

This Article shall be known and cited as the "Collier County Ethics Ordinance".

(Ord. No. 03-53, § 1, 9-23-03; Ord. No. 04-05, § 1)

Sec. 2-2052. - Scope.

This Article shall apply to all public servants of the Collier County Board of County Commissioners, which includes public officials, whether elected or appointed, and all County employees.

(Ord. No. 03-53, § 2, 9-23-03; Ord. No. 04-05, § 2)

Sec. 2-2053. - Statement of policy.

It is the public policy of Collier County that public servants work for the benefit of the citizens of Collier County. It is the responsibility of each public servant to act in a manner that contributes to ensuring the public's trust in its government. In particular, to always be honest with the public they serve, and to be good stewards of the tax dollars entrusted to them. To this end, an individual covered by this article shall: (1) not use his or her position as a public servant for unlawful gain or enrichment; (2) avoid conduct that gives the appearance of impropriety in the performance of his or her public duties; and (3) not accept any items of value if the public servant knows or reasonably should have known that it was given with the intent to reward or influence him or her in the performance or nonperformance of his or her public duties. The statement of policy and general standards of conduct set forth in this section are not subject to the penalties provided for in this Article.

(Ord. No. 03-53, § 3, 9-23-03; Ord. No. 04-05, § 3)

Sec. 2-2054. - Findings.

(a) The report submitted to the Collier County Board of County Commissioners ("board") on September 15, 1998, by the Ad Hoc Ethics Standards Review Committee ("committee"), recommended the adoption of a local ethics code.

(b) The board finds that the legislative intent and declaration of policies set forth in F.S. § 112.311, sets forth a laudable philosophy regarding the purpose, scope and application of ethics laws in relation to county officers and employees. Moreover, the board also finds, based on the committee's report, that additional, more stringent requirements are needed with regard to lobbyists, gifts, and post-county employment restrictions in order to promote and protect the public trust in its local government.

(c) F.S. § 112.326, authorizes the board to impose more stringent standards of conduct and disclosure requirements, beyond those specified in F.S. ch. 112, pt. III, upon its own officers and employees provided that said standards of conduct and disclosure requirements do not otherwise conflict with F.S. ch. 112, pt. III.

(d) F.S. § 125.69(1), provides, in pertinent part, that violations of county ordinances shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be punished by a fine not to exceed $500.00 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment. The board further finds that an efficient and effective method for the determination of allegations of violations of the additional more stringent ethical standards set forth in this article is through local enforcement thereof.

(e) F.S. § 112.313(13), authorizes the board to adopt an ordinance establishing post-employment restrictions for certain designated county employees.

(f) The board finds that preservation of the integrity of the governmental decision-making process is essential to the continued functioning of an open government. Therefore, in order to preserve and maintain the integrity of the process and to better inform the citizens of efforts to influence legislative branch action, the board finds it appropriate to require public registration and disclosure of the identity of certain persons who attempt to influence actions of the board or actions of any of the county's quasi-judicial boards.

(g) F.S. § 112.3148(2)(b), authorizes the board to establish a local registration process for lobbyists. The board finds that such a registration process serves to promote and protect governmental integrity as well as to foster open government. The board further finds that such a public registration process for lobbyists may assist to promote full compliance by lobbyists with the lobbyist gift reporting requirements set forth in F.S. § 112.3148.

(h) The board finds that more stringent requirements are needed with regard to the value of gifts that may be provided by lobbyists to public officers and employees beyond the standards set forth in F.S. § 112.3148. Specifically, the board finds that a zero gift limit, rather than $100.00 as set forth by F.S. § 112.3148, should be enacted in order to better promote and preserve the integrity of the governmental decision-making process.

(i) The board finds that additional gift prohibitions are necessary for public officials prohibiting the receipt of any gift or any other thing of monetary value from anyone who the public official knows or reasonably should know is any way attempting to affect the official actions, business or finances of the county or from anyone that has an interest that may be substantially affected by the performance or nonperformance of duties of a public official. The board further finds that prohibitions are necessary in regard to gifts between official superiors and subordinate public officials in order to preserve the ethical integrity of the performance of public service by county human resources.

(j) Collier County Office of the County Administrator, Administrative Procedure, Instruction 5311(F) (Code of Ethics/Standards of Conduct), restricts Collier County employees from receiving gifts or other items of value in connection with the performance of official duties. Said restrictions exist separate and independent from the provisions of this article and F.S. ch. 112, pt. III.

(k) Nothing in this article shall be construed to chill, restrict or prohibit the free exercise of any citizen's constitutional rights, including, but not limited to, the right to petition his or her county government or exercise his or her rights of free speech.

(Ord. No. 03-53, § 4, 9-23-03; Ord. No. 04-05, § 4)

Sec. 2-2055. - Definitions.

(a) For the purposes of this Ordinance, the definitions contained in F.S. ch. 112, pt. III, shall apply and control, in accordance with the subject matter, unless the text and/or context of this Ordinance provides otherwise.

Advisory board member means any person appointed by the Board of County Commissioners to any county board, committee or authority which has any final decision-making authority. Such boards include, but are not limited to:

Airport Authority
Collier County Code Enforcement Board
Collier County Planning Commission
Contractors Licensing Board
Library Advisory Board
Public Vehicle Advisory Committee
Utility Authority

County employee shall mean any employee of Collier County, regardless of whether the employee is ultimately supervised by the Board of County Commissioners, the county manager, the county attorney, the airport authority or the executive director of the airport authority.

County Managerial Employee shall mean the County Manager, Assistant and/or Deputy County Manager, County Attorney, Chief Assistant County Attorney and all Division Administrators, and Department and Authority Directors of Collier County Government. Also included in this definition are procurement employees and those county employees actively engaged in selecting contractors or in supervising, overseeing, or vouchering for contract performance.

Gift shall have the definition contained in F.S. ch. 112, pt. III, with the following additions and exceptions:

(1) Additions:

a. Initiation fees.

(2) Exceptions:

"Gift" shall not include:

a. Salary, benefits, services, fees, commissions, gifts, or expenses associated solely with the donee's non-county employment, business, or service as an employee, official or director of a corporation or organization. However, for purposes of this exemption from the definition of "gift" in this article, public servants may only engage in such non-county employment or economic activity if: (1) such non-county employment or economic activity does not create a conflict of interest as defined by F.S. § 112.312(8), i.e., a situation in which regard for a private interest tends to lead to disregard of a public duty or interest; and (2) all applicable county administrative procedures governing such non-county employment or economic activity are followed.

b. Contributions or expenditures reported pursuant to F.S. ch. 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.

c. Gifts received from relatives, as defined in this section, or gifts received from a person who shares the same permanent legal residence at the time of the gift. However, no public servant shall participate in the selection of a vendor or the approval of a contract if that employee has received a gift from someone representing the vendor or a contracting party, including gifts from relatives. Furthermore, no public servant shall participate in permitting or inspection decisions if that employee has received a gift from the permit or inspection applicant/potential recipient or the applicant/potential recipient's principal, including gifts from relatives.

d. Food or beverage accepted when: (i) offered free in the course of a professional or civic meeting or group function at which attendance is desirable because it will assist the person in performing his or her official duties; or (ii) provided to all panelists or speakers when a person is participating as a panelist or speaker in a program, seminar, or educational conference.

In addition to all other circumstances where this Ordinance allows public servants to accept food and beverages, and notwithstanding any other section of this Ordinance or personnel manual to the contrary, public officials and all county employees may accept food or beverage as mentioned above in this subsection and consumed at a single sitting or event only if the costs for said food or beverage do not exceed the greater of $25.00 or the rate for the appropriate per diem allowance for said meal as provided in F.S. ch. 112. If, under circumstances beyond the control of the donee, the costs exceed this rate, the donee may accept said food or beverage but shall file a written disclosure statement within five working days of the acceptance with the County Manager on a form provided by the County Manager.

The value of food or beverages, for purposes of this subsection, shall be the price that the consuming public would be expected to pay for the same item(s).

e. Unsolicited advertising or promotional material such as pens, pencils, notepads, calendars, and other items of nominal commercial value may be accepted from individuals or entities that are not currently in a contractual relationship or reasonably likely to seek a contractual relationship with Collier County. Unsolicited job-related literature may be accepted as well.

f. Gifts given for participation in a program, seminar, or educational conference when such gifts are:

1. Of nominal commercial value, and

2. In the nature of a remembrance traditional to the particular sponsoring entity, or

3. Provided to all participants in the program.

g. An award, plaque, certificate, or similar personalized item of nominal commercial value given in recognition of the donee's public, civic, charitable, or professional service.

h. A rate or terms on a debt, loan, goods, or services, which rate and terms are customary and are at a government rate and terms available to all other similarly situated government employees or officials, or rates and terms which are available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.

i. Food or beverage items when offered as a customary courtesy to all attendees at any business meeting or business activity at which attendance by the public servant(s) in question is required or appropriate for purposes of performing county job duties or county responsibilities, provided that such food or beverage items would have a reasonably estimated value of no more than $25.00.

j. A rate offered to Commissioners at an event serving a valid public purpose, which rate is less than that offered the general public, that represents the actual cost of the event (such as food, beverage, and entertainment) to the sponsor, but that does not include the charitable donation otherwise included in the total cost to attend the event. Commissioners may contact the event sponsor to seek this rate.

Lobbying shall mean, for compensation: influencing or attempting to influence legislative or quasi-judicial action or non-action through oral or written communication or an attempt to obtain the good will of a member or employee of the Board or of a Collier County Advisory Board or a quasi-judicial board.

Lobbyist shall mean:

(1) Any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decision-making of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.

(2) A person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by

another person or governmental entity to lobby on behalf of that other person or governmental entity.

(3) A person who registers with the board as a lobbyist pursuant to this article.

(4) Attorneys representing clients in quasi-judicial matters are not considered lobbyists or engaged in lobbying since, as judicial officers, their conduct is regulated exclusively by the judicial branch. However, attorneys representing clients or interests in legislative matters, for compensation, are engaged in lobbying and are subject to the provisions contained in this article.

Nominal commercial value means anything with a value of less than $50.00 in the marketplace.

Principal shall mean the person, firm, corporation, or other entity that has employed or retained a lobbyist.

Procurement employee means any county employee who actively participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities.

Public official means members of the Board of County Commissioners, advisory board members, and county managerial employees.

Public servant includes all public officials and all county employees, as defined in this article.

Relative, as used in this article, is one who is related to another by blood, marriage, or adoption. The following relationships are included in this definition: husband, wife, parent, child, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, step grandparent, step grandchild, half brother, and half sister.

Reporting individual means any public servant, who is required by law, pursuant to Article II, Section 8 of the State Constitution or F.S. § 112.3145, to file full or limited public disclosure of his or her financial interests or any individual who has been elected to, but has yet to officially assume the responsibilities of, public office.

(Ord. No. 03-53, § 5, 9-23-03; Ord. No. 04-05, § 5; Ord. No. 2011-15, § 1; Ord. No. 2013-39, § 1)

Sec. 2-2056. - Standards of conduct.

(a) A public official shall not accept a gift, directly or indirectly, if he or she knows or reasonably should have known that it was given with the intent to reward or influence him or her in the performance or nonperformance of his or her public duties.

(b) No public official shall participate in the selection of a vendor or the approval of a contract if that employee has received a gift, directly or indirectly, from someone representing the vendor or a contracting party, including gifts from relatives. Furthermore, no public servant shall participate in permitting or inspection decisions if that employee has received a gift from the permit or inspection applicant/potential recipient or the applicant/potential recipient's principal, including gifts from relatives.

(c) The following provisions regarding gifts from lobbyists are enacted as additional and more stringent standards of conduct and disclosure requirements than those specified in F.S. § 112.3148:

(1) A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a political committee or a committee of continuous existence, as defined in F.S. § 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly or indirectly on behalf of

the partner, firm, employer, or principal of a lobbyist. However, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(2) A political committee or a committee of continuous existence, as defined in F.S. § 106.011; a lobbyist who lobbies a reporting individual's or procurement employee's agency; the partner, firm, employer or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift to the reporting individual or procurement employee or any other person on his or her behalf; however, such person may give a gift to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

(3) The prohibitions set forth in this Section 2-2056 at subsections (c)(1) and (c)(2) above, are not intended to and shall not prevent a reporting individual or procurement employee who is a declared candidate for elective public office from accepting campaign contributions to the extent allowed by state or federal law.

(d) The following gift prohibitions for public officials are enacted as additional and more stringent standards of conduct than those specified in F.S. § 112.3148:

(1) Public officials shall not solicit or accept, directly or indirectly, any fee, compensation, gift, gratuity, favor, food, entertainment, loan, or any other thing of monetary value, from anyone who the public official knows or reasonably should know:

a. Has, or is seeking to obtain, contractual or other business or financial relations with the county department or board with which the public official is affiliated.

b. Conducts or represents a person or entity that conducts operations or activities that are regulated by the county department or board with which the public official is affiliated.

c. Is seeking zoning, permitting, or inspection approval from the county department or board with which the public official is affiliated.

d. Has interests that may be substantially affected by the performance or non-performance of duties of the county public official.

e. Is in any way attempting to affect the official actions of the county public official.

This paragraph is not intended to: (i) prohibit a public official from obtaining a loan from a financial institution at a rate and terms available to all other similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin; (ii) to prevent public officials from accepting a gift under $25.00 from a constituent or from a non-lobbyist, when customary to do so, such as within the context of a social setting, unless he or she knows or reasonably should have known that it was given with the intent to reward or influence him or her in the performance or nonperformance of his or her public duties; or (iii) to otherwise accept personal gifts from individuals who do not fall within the prohibitions set forth above when the circumstances demonstrate that the motivation for the gift was clearly the personal or social relationship rather than an attempt to obtain the goodwill or otherwise influence the public official in the performance of his or her official duties.

(e) No public official shall solicit a contribution from another person for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from a subordinate public official.

(f) No public servant shall solicit a contribution from another person for a gift to a supervisor, make a donation as a gift to a supervisor, or accept a gift from an employee he or she supervises, except as provided in subsection (g).

(g) Nothing in this section shall prohibit donations or giving gifts of nominal commercial value made between or amongst public servants on a special occasion or an established holiday. A special

occasion, as contemplated in this section, includes those times when it has been regarded as customary to give a gift, such as a birthday, a wedding, the birth of a child or a grandchild, an adoption, a graduation, a promotion, permanent departure from the workplace or community, hospitalization, the loss of a loved one, retirement, or other similar occurrences. Nor does this paragraph prohibit public servants from participating in fund-raising activities for charitable purposes.

(h) This section does not apply to items of value excepted out of the definition for a gift.

(Ord. No. 03-53, § 6, 9-23-03; Ord. No. 04-05, § 6; Ord. No. 2013-39, § 2)

Sec. 2-2057. - Lobbyist registration and disclosure requirements.

(a) All lobbyists shall before engaging in any lobbying activities, register with the clerk to the board located at the board minutes and records department. Every lobbyist required to so register shall register quarterly on a calendar year basis on forms prepared by the clerk; pay an annual nonrefundable registration fee of $25.00; and state under oath or by written declaration in accordance with F.S. § 92.525, his or her name, business name and address, and the name and business address of each person or entity that has employed said registrant to lobby, as of the date of said registration. If, subsequent to the registration, the registrant ceases to act as a lobbyist, the registrant may file a request, on a form provided by the clerk, to not be listed as a lobbyist. In the event that the registrant neither withdraws nor re-registers, the registrant shall be placed on a "lobbyist status unknown" list for a period of 12 months from the expiration of the quarterly registration.

(b) Quarterly registration shall be required and shall initially commence on April 2, 2007. Thereafter, quarterly registration shall occur every three months. Quarterly registration is required regardless of whether there is any change in employers of the lobbyist. The lobbyist may indicate "no change" if appropriate. Initial registration by a lobbyist may occur at any time during the calendar year provided that it occurs prior to the lobbyist engaging in any lobbying activity.

(c) The registration fee required by this section shall be maintained by the clerk to the board and shall be deposited into a separate fund to be expended for the purpose of administering and maintaining the lobbyist registration list as well as to cover other related costs. Lobbyists shall not be charged a fee for filing the form for removal from the lobbyist list.

(d) The following persons shall not be required to register as lobbyists:

(1) Any public officer, employee or appointee who appears in his or her official capacity.

(2) Law enforcement personnel conducting an investigation.

(3) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support or opposition to any item.

(4) Any person who only appears as a representative of a neighborhood association without special compensations or reimbursement for their appearance, whether direct, indirect or contingent, to express support or opposition to any item.

(5) Attorneys representing clients before a quasi-judicial body.

(e) The clerk to the board shall keep accurate and complete records regarding lobbyist registration including an up-to-date list of all lobbyist registrations, lobbyists withdrawals from the list and a "lobbyist status unknown" list.

(f) A registration form that is not renewed within 20 calendar days of the end of each quarter of the calendar year, shall expire and may not thereafter be relied upon by the lobbyist for lobbying activities. In such a case, the lobbyist must renew his or her registration and pay the nonrefundable annual fee in order to continue engaging in lobbying activities.

(g) The validity of any action or determination of the board or of any county personnel, board or committee, shall not be affected by failure of any lobbyist to comply with the provisions of this section.

(h) All lobbyists shall disclose and make known the name or identity of the principal(s) by whom they are employed whenever they engage in lobbying activities as such activities are defined in this section.

(Ord. No. 03-53, § 7, 9-23-03; Ord. No. 04-05, § 7; Ord. No. 2007-24, § 1)

Sec. 2-2059. - Incorporation of state law by general reference.

The provisions of State law governing ethics for public officers and employees, including F.S. ch. 112, pt. III, are hereby incorporated by general reference as they may exist and be amended from time to time. To the extent that the provisions of this Ordinance are more stringent than those of State law, then this Ordinance shall apply.

It shall be the duty of each commissioner and of all county managerial employees and reporting individuals to become familiar with the Collier County Ethics Ordinance. To this end, the human resources director shall annually distribute to each such person a current copy of the "Florida Commission on Ethics Guide to the Sunshine Amendment and Code of Ethics for Public Employees" (or similar Florida Commission on Ethics publication) and a copy of this article. The specific duties set forth in this section of this article regarding familiarity with the ethics rules and distribution of informative materials shall not be subject to the penalties set forth in this article.

(Ord. No. 03-53, § 9, 9-23-03; Ord. No. 04-05, § 9; Ord. No. 2013-39, § 3)

Sec. 2-2060. - Penalties.

Pursuant to F.S. § 125.69, a person who violates any provision of this Ordinance shall be subject to prosecution in the name of the state in the manner as misdemeanors are prosecuted; and, upon conviction, such person shall be punished by a fine not to exceed $500.00 or by imprisonment in the Collier County Jail not to exceed 60 days or by both such fine and imprisonment.

(Ord. No. 03-53, § 10, 9-23-03; Ord. No. 04-05, § 10)

DUVAL COUNTY (CITY OF JACKSONVILLE)

PART 8. - LOBBYING

Sec. 602.801. - Registration of lobbyists; registration statements.

(a) For purposes of the registration provisions of this Part, lobbying is defined as the attempt to influence the governmental decision making of an officer or employee of the City, or of an independent agency, or the attempt to encourage the passage, defeat, or modification of any legislation, proposal or recommendation of the City or of an independent agency, or of an officer or employee of the City or of an independent agency. Lobbying shall not include the following:

(1) Legal or settlement discussions directed toward an attorney for the City or of an independent agency; or

(2) Participation in a quasi-judicial proceeding involving the City or an independent agency (except that all ex-parte communication to a decision maker or non-lawyer City or independent agency employee constitutes lobbying).

(b) Each person who lobbies, for compensation as a lobbyist, any officer or employee of the City, or of an independent agency, shall, prior to commencement of lobbying activities on any issue, register his or her name, the person or entity for which the lobbying is taking place (principal), and the purpose and issue for which the lobbying is taking place, with the City's Council Secretary. Registration may be for an annual period or for a lesser, stated period, but no person may lobby unless he or she is first registered. A person may register as a lobbyist on his or her own volition or he or she may be required by any officer or employee to register before he or she addresses such officer or employee if he or she is not already registered with the Council Secretary. The Council Secretary shall maintain a book in which the registration statements and oaths submitted by lobbyists shall be entered, together with corrections and amendments as herein authorized and required. If a person shall cease to be a lobbyist, his or her registration statement and oath shall be removed from the book of active lobbyists and shall be placed in a book of inactive or former lobbyists; but no person may have a registration statement and oath on file in both books.

(c) (1) When a person registers as a lobbyist, he or she shall file a registration statement and oath in the form developed from time to time by the Office of General Counsel, in consultation with the City Ethics Officer, the Council Secretary and the Ethics Commission. The Council Secretary, in consultation with the Office of General Counsel, is authorized to reject or strike non-conforming registrations. No person may commence or continue lobbying activity related to a rejected or stricken registration statement until such time as a corrected registration statement is submitted and accepted by the Council Secretary.

(2) A registration statement may be corrected or amended at any time by the registrant by the submission of a subsequent registration statement and oath setting forth the correcting or additional information that the registrant wishes to place on file. A statement that the subsequent registration statement corrects or amends the previous registration statement shall be inserted in the body of the statement, above the lobbyist's signature, noting the substance of the correction or amendment. A registration statement shall be corrected or amended if any material fact concerning the purpose for which or persons on whose behalf the registrant filed the registration statement changes.

(3) A registration statement and oath that is not renewed by the end of the period for which it is filed shall expire and may not thereafter be relied upon by the lobbyist in support of lobbying activities.

(d) The following persons shall not be required to register as lobbyists:

(1) A public official, City or independent agency employee or salaried employee of a public agency acting in his or her official capacity or in connection with his or her job responsibilities or as authorized or permitted to lobby pursuant to a collective bargaining agreement;

(2) A person who only addresses the Council or independent agency board during the "public comment" portion of its meeting agenda;

(3) A person who appears at the specific request or under compulsion of the Council or a Council committee; or of the board or committee of the board of an independent agency;

(4) Expert witnesses and other persons who give factual testimony about a particular matter or measure, but do not advocate passage or defeat of the matter or measure or any amendment thereto;

(5) A person, not exempt under paragraphs (1) through (4) and otherwise meeting the definition of a lobbyist who received no compensation as a lobbyist;

(6) A Principal or an officer or employee of a principal who performs lobbying activities as part of his or her assigned duties.

(e) This section is limited to registration issues only, and nothing contained in this section shall be interpreted to limit the gift and honoraria solicitation and acceptance prohibitions set forth in Part 7 of this Chapter.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2008-470-E, § 2; Ord. 2008-839-E, § 5)

Sec. 602.802. - Restricted activities.

No information obtained from registration statements required by Section 602.801, Jacksonville Ordinance Code, or from lists compiled from such statements, shall be sold or utilized by any person for the purpose of soliciting campaign contributions or selling tickets to a testimonial or similar fund-raising affair or for commercial purposes.

(Ord. 97-890-E, § 1)

Sec. 602.803. - Fee disclosure.

A lobbyist who attempts to persuade or influence a Council Member, a Council committee, or the Council as a whole; or an independent agency board member, committee, or the independent agency as a whole; on any project, contract, development, ordinance, resolution, or agenda item, shall, prior to commencing lobbying efforts, file with the City's Council Secretary a disclosure revealing whether the lobbyist has a financial interest in the contract, development or project that extends beyond its approval, and the percent of that interest.

(Ord. 2007-329-E, § 3; Ord. 2008-839-E, § 5)

Editor's note— Ord. No. 2007-329-E, § 3, amended the Code by adding a new § 602.803, and renumbering former § 602.803 as a new § 602.804.

Sec. 602.804. - Penalties.

A person who, knowingly and willfully:

(a) Being at the time required to register as a lobbyist and not exempt from registration, fails or refuses to do so; or

(b) Having registered as a lobbyist, fails or refuses to properly file with the Council Secretary a corrected or amended registration statement when required by Section 602.801(c) to do so; or fails to disclose on the registration statement any information required by this Part;

(c) Continues to act as a lobbyist after the expiration of the period for which the registration statement was filed with the Council Secretary; or

(d) Commits, or procures or acquiesces in the commission of, any violation of this Part;

shall be guilty of a class D offense against the City.

(Ord. 97-890-E, § 1; Ord. 2007-329-E, § 3; Ord. 2008-470-E, § 2)

Note— See editor's note, § 602.803.

HILLSBOROUGH

ARTICLE III. - LOBBYING

Sec. 2-217. - Definitions.

As used in this article:

Affected personnel means a member of the Board of County Commissioners, the County Administrator, the Deputy County Administrator, any Assistant County Administrator, any Department head, the County Attorney, the County Internal Auditor, or any employee who has the authority to make final decisions, where there is an appeal process to other than to the Board of County Commissioners, including but not limited to the zoning administrator, building official and the county engineer.

Government employees means all agents of government, whether elected or appointed, paid or unpaid, hired or under contract as a consultant or attorney, who are acting on behalf of the United States, the State of Florida, its agencies, political subdivisions, special districts and municipalities.

Lobbying means communicating directly or indirectly, outside a duly noticed public meeting or hearing on the record with affected personnel in order to encourage the passage, defeat, or modification of any item pending or likely to be pending in the near future, before the Board of County Commissioners or being considered by the lobbied employee for presentation or recommendation to the Board of County Commissioners, or to any employee who has the authority to make final decisions, where there is an appeal process to other than to the Board of County Commissioners, including but not limited to the zoning administrator, building official and the county engineer. Lobbying shall include all forms of communication, whether oral, written or electronic.

Lobbyist shall mean any person who is employed and receives payment, or who contracts for direct or indirect economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal responsibility to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government.

Relative shall mean any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law, brother-in-law, or sister-in-law.

(Ord. No. 07-8, § 1, 3-23-2007; Ord. No. 16-1, § 1, 1-21-2016)

Sec. 2-218. - Registration of lobbyists.

All persons who are lobbyists under Section 2-217 must register. Thereafter, all lobbyists shall register and re-register, as applicable, prior to January 1 of each year. The lobbyist shall pay a fee of $50.00 annually. Persons who lobby only on behalf of nonprofit corporations are not required to pay the annual fee. All lobbyists must update their registration when they engage a new client prior to initiating any lobbying activities with affected personnel. Registration forms shall be in the manner designated by the county attorney. The lobbyist shall provide his or her name, business address, the name and business address of each principal represented, the general and specific areas of interest, and the nature and extent of any direct business association or partnership with any current member of the board. Each lobbyist shall sign a form, to be prepared by the County Attorney's office, indicating that he or she has read the lobbying ordinance and will abide by its provisions.

Registered lobbyists shall be prohibited from lobbying any Commissioner or other affected personnel regarding official County business via text message on that Commissioner's or personnel's private cell phone or other private media, such as private e-mails. In cases where such communication cannot be avoided, the lobbyist must send a copy of the communication to the Commissioner's County e-mail address.

(Ord. No. 07-8, § 2, 3-23-2007; Ord. No. 16-1, § 2, 1-21-2016)

Sec. 2-218.5. - Record of meetings; meeting logs.

Except when appearing at a duly noticed public meeting or hearing on the record, all persons who meet with a Commissioner shall sign meeting logs maintained and available in the office of reception of the Board of County Commissioners. Meeting logs shall be available in designated County Department for meetings with affected personnel. Each person shall provide his or her name, whether the person is attending the meeting as a part of his or her employment or otherwise for compensation, the name of each principal, if any, represented in the course of the particular meeting, and the subject matter of the meeting. Upon submitting the information in the meeting log, the Commissioner and the Commissioner's aides, or the affected personnel, and the County Attorney's office will receive concurrent notification. All meeting logs shall be maintained by the County for a period of five fiscal years.

The following shall not be required to sign the meeting logs:

(1) Hillsborough County employees, and employees of other Hillsborough County agencies;

(2) Law enforcement officers; and

(3) Relatives.

(Ord. No. 16-1, § 2, 1-21-2016)

Sec. 2-219. - Exceptions.

The following persons shall not be required to register as lobbyists under Section 2-218:

(1) Government employees discussing government business. Government business shall not include discussions regarding a competitive procurement when an employee's agency is a participant in a competitive procurement process;

(2) Law enforcement personnel conducting an investigation;

(3) Persons who communicate with affected personnel in their individual capacity for the purpose of self-representation, or on behalf of their immediate family, without compensation or reimbursement; and

(4) Persons or representatives of organizations contacted by affected personnel when the contact is initiated by that Board member or employee.

(Ord. No. 07-8, § 3, 3-23-2007)

Sec. 2-220. - Reserved.

Editor's note— Ord. No. 13-17, adopted June 19, 2013, moved section 2-220. The user's attention is directed to Ch. 2, Art. VIII for similar provisions.

Sec. 2-221. - Maintaining registrations.

There shall be established in the County Attorney's office a staff position whose duties include the maintenance of lobbyist registrations, the investigation of alleged violations, and the enforcement of any penalties.

(Ord. No. 07-8, § 5, 3-23-2007; Ord. No. 16-1, § 4, 1-21-2016)

Sec. 2-221.5. - Enforcement.

If the County Attorney's office is informed of any person who has failed to comply with the requirements of this article, the County Attorney's office shall conduct a preliminary investigation as deemed necessary under the circumstances. In the event the County Attorney's office determines that a violation may have occurred based on the results of the investigation, the County Attorney's office shall assess the penalty as provided in Section 2-222. Any appeal of this assessment shall go to a hearing officer for his or her recommendation. The recommendation will then go to the Board of County Commissioners for final resolution.

(Ord. No. 16-1, § 5, 1-21-2016)

Sec. 2-222. - Penalties.

A first violation of the provisions of this article shall result in the issuance of a warning by the County Attorney's office. A second violation within a period of 12 months shall be punishable by a fine of $250.00. If a third violation occurs within 12 months, the violator shall be prohibited from lobbying for six months. If a fourth violation occurs within 12 months, the violator shall be prohibited from lobbying for one year. The County Attorney's office shall notify all affected personnel should a lobbyist be suspended under this section. If a lobbyist lobbies any affected personnel while under suspension, the County Attorney's office shall impose a fine of $500.00. The validity of any action or determination of the Commission, Board or staff shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 07-8, § 6, 3-23-2007; Ord. No. 16-1, § 5, 1-21-2016)

Sec. 2-223. - Severability.

If any section, phrase, sentence or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinction, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Ord. No. 07-8, § 7, 3-23-2007)

Secs. 2-224—2-236. - Reserved.

HILLSBOROUGH COUNTY (CITY OF TAMPA)

DIVISION 5. - LOBBYING AND POST-EMPLOYMENT RESTRICTIONS

Sec. 2-580. - Lobbying.

(a) *Registration of lobbyists* . All persons who are lobbyists pursuant to section 2-502 must register prior to lobbying using the registration process maintained by the city ethics officer. Lobbying prior to registration is prohibited. Thereafter, all lobbyists shall register and re-register annually, as applicable, prior to January 1 of each year or as soon thereafter when known that a person will be engaging in lobbying activities. Each lobbyist is required to submit a separate registration for each principal represented. All lobbyists must update their registrations when they engage a new client prior to initiating any lobbying activities with affected personnel. Registration forms shall be in the manner designated by the city ethics officer and shall require the following information: the name, business address and phone number of the lobbyist, the name, business address and phone number of each principal represented, the general and specific areas of interest, and the manner and extent of any direct business association or partnership with any current member of city council or other affected personnel. Each lobbyist shall sign the registration form, indicating that the lobbyist has read the lobbying provisions of the City of Tampa Ethics Code and will abide by its provisions. The registration form shall be submitted in paper or electronic form pursuant to city policies and procedures to the city ethics officer. A lobbyist shall promptly send written notice to the city ethics officer canceling the registration for a principal upon termination of the lobbyist's representation of that principal. The lobbyist is responsible for ensuring the information contained in the registration is current and up to date.

Registered lobbyists shall be prohibited from lobbying any member of city council, the mayor, or other affected personnel regarding official city business via text message on that member of city council's, the mayor's, or other affected personnel's private cell phone or other private media, such as private emails. In cases where such communication cannot be avoided, the lobbyist must send a copy of the communication to the member of city council's, the mayor's, or other affected personnel's city email address.

(b) *Annual expenditure reporting.* A lobbyist shall annually on or before January 31 of each year submit to the city ethics officer's office a signed statement, executed under oath, listing all lobbying expenditures for the preceding calendar year, the source of the funds and an itemization of the amount expended for each city official by each registered lobbyist. It shall be the responsibility of the lobbyist to obtain this form from the city ethics officer's office. Expenditure reporting forms shall be made available in paper or electronic form pursuant to city policies and procedures. The city ethics officer shall maintain such filings available and open for public inspection.

The city ethics officer shall notify any lobbyist who fails to timely file an expenditure report on or before February 28 of any year. In addition to any other penalties which may be imposed, a fine of fifty dollars ($50.00) per day shall be assessed for reports filed after the due date. The city ethics officer shall notify the ethics commission of the failure of a lobbyist to file a report and/or pay the assessed fines after notification. A lobbyist may appeal a fine and may request a hearing before the ethics commission. A request for a hearing on the fine must be filed with the ethics commission within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form.

In addition to any other penalty provided for herein, a lobbyist shall not be permitted to engage in any lobbying activity until the required report is filed. Where a fine of fifty dollars ($50.00) per day has already been assessed, the ethics commission shall not impose another fine.

(c) *Exceptions.* The following persons and activities shall be exempted from the requirement of lobbying registration and annual reporting:

(1) Appointed officers or employees of the City of Tampa discussing matters relevant to their official duties;

(2) Employees or representatives of federal, state, county, municipal or independent authority discussing the business of their government or authority;

(3) An elected official or government employee acting in his official capacity or in connection with his job responsibilities;

(4) Law enforcement personnel conducting an active investigation;

(5) Persons or representatives of organizations contacted by city official when such contact is initiated by the city official;

(6) A person who appears under compulsion or subpoena by the city council, board or staff member of a board;

(7) Any person in contractual privity with the city who appears only in his or her official contractual capacity to discuss issues related to their services under contract.

(8) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to file a lobbying disclosure form.

(d) *Record of meetings; meeting logs* . Except when appearing at a duly noticed public meeting or hearing on the record, all persons who meet with a member of the city council or the mayor shall sign meeting logs maintained and available in the office of reception of the city council or the mayor. Meeting logs shall be available in designated city departments for meetings with other affected personnel. Meeting logs shall be made available in paper or electronic form pursuant to city policies and procedures. Each person shall provide his or her name, whether the person is attending the meeting as a part of his or her employment or otherwise for compensation, the name of each principal, if any, represented in the course of the particular meeting, and the subject matter of the meeting. Upon submitting the information in the meeting log, the member of city council and his or her aide, the mayor and his or her aide, or the affected personnel, and the city ethics officer will receive concurrent notification. All meeting logs shall be maintained by the city for a period of five (5) fiscal years, and in no event for a period of time less than provided under state law.

The following shall not be required to sign the meeting logs:

(1) City of Tampa employees, and employees of other Hillsborough County agencies;

(2) Law enforcement officers;

(3) Relatives, unless such meeting constitutes lobbying as defined in section 2-502, City of Tampa Code.

(e) *Enforcement* . The enforcement of expenditure reporting shall be as provided in section 2-580(b). If the city ethics officer is informed of any person who has failed to comply with the requirements of any other provisions of this section, the city ethics officer shall conduct a preliminary investigation as deemed necessary under the circumstances. In the event the city ethics officer determines that a violation may have occurred based on the results of the investigation, the ethics officer shall assess the penalty as provided in section 2-580(f). Any appeal of the assessment shall go to the ethics commission for final resolution.

(f) *Violations/penalties* . Violations of expenditure reporting shall be punishable as provided in section 2-580(b). The following shall apply to all other violations of this section. A first violation of the provisions of this section shall result in the issuance of a warning by the city ethics officer. A second violation within a period of twelve (12) months shall be punishable by a fine of two hundred fifty dollars ($250.00). If a third violation occurs within twelve (12) months, the violator shall be prohibited from lobbying for six (6) months. If a fourth violation occurs within twelve (12) months, the violator shall be prohibited from lobbying for one (1) year. The city ethics officer shall notify all affected personnel should a lobbyist be suspended under this subsection. If a lobbyist lobbies any affected personnel while under suspension, the city ethics officer shall impose a fine of five hundred dollars

($500.00). The validity of any action or determination of the city council or city employees, board or committee shall not be affected by the failure of any person to comply with the provisions of this section.

(Ord. No. 97-153, sec. 1, 7-17-97; Ord. No. 97-176, sec. 1, 8-28-97; Ord. No. 2003-255, §§ 2, 3, 10-2-03; Ord. No. 2004-110, § 4, 4-29-04; Ord. No. 2016-161, § 3, 11-3-2016)

LAKE COUNTY

ARTICLE IV. - BOARDS, COMMISSIONS, AUTHORITIES, ETC.[4]

Footnotes:

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Cross reference— Board of building examiners, § 6-46 et seq.; emergency medical services council, § 11-16; law library board of trustees, § 12-17; public library board, § 12-37; tourist development council, § 13-48; authority of Oklawaha Basin Recreation and Water Conservation and Supply Authority to protect water supplies, § 21-1; Northwest Lake County Hospital District Board of Trustees, App. A, § 11-77 et seq.; South Lake County Hospital District Board of Trustees, App. A, § 11-102 et seq.

DIVISION 1. - LOBBYIST REGISTRATION

Sec. 2-61. - Title and purpose.

This division shall be known as the Lake County Lobbyist Registration Ordinance. The purpose of this division is to ensure that a permanent record is kept of any contact by a lobbyist and a County Commissioner, a Department Director, a Division Director, any employee in the County Attorney's Office, or any Employee in the County Manager's Office regarding matters that may come before the Board of County Commissioners for vote or upon matters that may require administrative action by Lake County.

(Ord. No. 2007-48, § 2, 10-2-07)

Sec. 2-62. - Definitions.

The following words, terms and phrases, when used in this division, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Lobbyist* means any person, partnership, corporation or other business entity that receives compensation to lobby on behalf of a principal. Further, lobbyist means an employee of a principal when governmental relations, acting as a governmental liaison, or communicating with governmental agencies is a primary or substantial part of the employee's ongoing job responsibilities. Lobbyist does not mean a county official, county employee or any other person affiliated with the county while acting in his or her official capacity.

(2) *Lobbying* means any communication either directly or indirectly, in person, or by any other means, with any county commissioners, department director, division manager, employee in the county attorney's office, or employee in the county manager's office which seeks to influence the actions of any county commissioner, advisory board member, or county employee.

(3) *Person* means any individual, business, corporation, association, firm, partnership, nonprofit organization, or other organization or group.

(4) *Principal* means the person, partnership, joint venture, trust, association, corporation, governmental entity, or other entity which has contracted for, employed, retained or otherwise engaged the services of a lobbyist.

(5) *Compensation* means any payment received or to be received by a lobbyist for the performance of lobbyist activities. The compensation may be a fee, salary, retainer, forbearance, forgiveness or any combination thereof.

(Ord. No. 2007-48, § 2, 10-2-07; Ord. No. 2012-1, § 2, 1-10-12)

Sec. 2-63. - Lobbyist registration.

All lobbyists shall register by signing, at each time of lobbying, on lobbyist logs maintained and available in each county office. The lobbyist or other person shall provide his or her name and business address; the name and business address of each principal represented in the course of the particular contact; the topic of the lobbying contact; and the name of each person contacted. Each county office shall submit a copy of its lobbyist log to the county attorney's office no later than the fifth of each month. In the event that a lobbyist engages in lobbying which is initiated outside of county offices, including contact initiated by email, telephone, or written means, the lobbyist shall provide the information required above to the county attorney's office within seven (7) calendar days of such lobbying.

(Ord. No. 2007-48, § 2, 10-2-07)

Sec. 2-64. - Exceptions.

The following persons shall not be required to register as lobbyists:

(1) An elected official or government employee acting in his official capacity or in connection with his job responsibilities.

(2) A person who appears at the specific request or under compulsion of the commission, board or staff member.

(3) Expert witnesses or other persons who give testimony about a particular matter or measure but do not advocate passage or defeat of the matter or measure or any amendment thereto.

(4) Any person who appears at a public hearing or administrative proceeding or quasi-judicial proceeding before the county commission, and has no other communication on the matter or subject of the public hearing, administrative hearing or quasi-judicial proceeding.

(5) Any person in contractual privity with the county who appears only in his or her official capacity.

(6) Any person who lobbies only in his or her individual capacity for the purpose of self-representation.

(7) Law enforcement personnel conducting an investigation.

(Ord. No. 2007-48, § 2, 10-2-07)

Sec. 2-65. - Enforcement.

If a county code enforcement officer is informed of any person engaged in lobbying activities who has failed to comply with the requirements of this division, he or she shall conduct an investigation as deemed necessary under the circumstances. In the event the county code enforcement officer determines that a violation has occurred based on the results of the investigation, the following enforcement procedures shall apply:

(1) A notice of violation shall be transmitted to the person indicating the nature of the violation and the penalty imposed. The lobbyist shall have up to thirty (30) day after the date of the notice to seek appeal of the penalty. In the event the lobbyist fails to submit an appeal in writing to the code enforcement officer within thirty (30) days of the date of such notice, the violation shall be deemed final, and the penalty imposed shall be effective immediately. If the lobbyist contests the violation, the matter shall be referred to the Lake County Code Enforcement Special Master for hearing.

(2) If a county code enforcement officer is informed that a person who has been prohibited from lobbying because of a violation of this division is engaged in lobbying, the county code enforcement officer shall contact the State Attorney's Office and refer the matter for prosecution.

(Ord. No. 2007-48, § 2, 10-2-07)

Sec. 2-66. - Penalties.

Violations of this division shall be punishable as follows:

(1) Failing to properly provide lobbying contact information as required by this division for the first violation shall result in the issuance of a warning.

(2) Failing to properly provide lobbying contact information as required by this division for each occasion after a warning has been issued shall be punishable by a fine of two hundred fifty dollars ($250.00) for each violation.

(3) Any person who violates the provisions of this division more than once during a twelve-month period shall be prohibited from lobbying as follows:

a. A second violation during a twelve-month period shall result in a prohibition of one (1) year;

b. A third violation within a twelve-month period shall result in a prohibition of two (2) years.

(4) Any person who violates the provisions of this division while suspended from lobbying by this section shall be subject to prosecution in the name of the state in the manner as misdemeanors are prosecuted; and upon conviction, such person shall be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment in the Lake County Jail not to exceed sixty (60) days or both by such fine and imprisonment.

(Ord. No. 2007-48, § 2, 10-2-07)

Sec. 2-67. - Validity of action.

The validity of any action or determination of the board of county commissioners or staff shall not be affected by the failure of any person to comply with the provisions of this division.

(Ord. No. 2007-48, § 2, 10-2-07)

Secs. 2-68—2-80. - Reserved.

LEE COUNTY

ARTICLE VI. - LOBBYISTS[5]

Footnotes:

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Editor's note— Ord. No. 03-14, § 1, adopted June 24, 2003, repealed the former Art. VI, §§ 22-71—22-78, and enacted a new Art. VI as set out herein. The former Art. VI pertained to similar subject matter and derived from Ord. No. 89-40, §§ 2—9, adopted Sept. 27, 1989; Ord. No. 90-07, § 3, adopted Feb. 21, 1990.

Sec. 22-71. - Definitions.

(a) *Lobbying* means communications outside of a duly noticed public meeting or hearing on the record, whether written or oral by a lobbyist, with any member or members of the board of county commissioners, or any member or members of any decision-making body under the jurisdiction of the board, or any county employee, whereby the lobbyist seeks to encourage or influence the passage, defeat, modification or repeal of any item which may be presented for vote before the board of county commissioners, or any decision-making body under the jurisdiction of the board, or which may be presented for consideration by a county employee as a recommendation to the board or decision-making body.

(b) *Lobbyist* means any person, firm, corporation or other legal entity, paid or unpaid, who, on behalf of another, engages in the activity of lobbying as defined in this article.

(c) *Paid lobbyist* means a person, firm, corporation or other legal entity who is employed and receives payment, or who contracts for economic consideration in any form for the purpose of lobbying, or a person who is principally employed for, or whose substantial duties pertain to governmental affairs communications for another person or governmental entity to lobby on behalf of that other person or governmental entity and engages in the activity of lobbying as defined in this article.

(d) *Immediate family* shall mean the lineal descendants, antecedent and the collateral kin of both the individual involved and the spouse of any such person.

(e) *Principal* means the person, firm, corporation, or other legal entity which has arranged for a lobbyist to engage in lobbying.

(f) *Employee* means:

(1) County manager, deputy county manager, assistant county managers, and public works director;

(2) County attorney, deputy county attorney, chief assistant county attorneys, and assistant county attorneys;

(3) Executive director of the port authority;

(4) Department directors or interim department directors, department deputy or interim deputy director, division directors or interim division directors, division deputy directors, or interim division deputy directors, to also include the manager of public resources, veteran services, risk program, and equal opportunity office;

(5) All employees within the purchasing division and contracts office with the exception of the secretarial staff.

(g) *Decision-making body* means any body established by the board of county commissioners which is subject to its jurisdiction.

(Ord. No. 03-14, § 2, 6-24-2003)

Sec. 22-72. - Record-keeping responsibilities.

County commissioners and employees as specified in subsection 22-71(e), who make regulatory decisions or recommendations to the board of county commissioners shall be responsible for maintaining a written log which documents each oral lobbying communication or meeting with a lobbyist whether paid or unpaid, held for the purpose of lobbying outside a duly noticed public meeting or hearing on the record. The written log shall be of uniform form (Exhibit "A", hereto). County commissioners nor county employees shall be required to maintain a record of their contact with each other, while acting within the scope of their official capacities and duties. The log shall, at a minimum, reflect the name of the lobbyist, the date of the oral lobbying communication or lobbying meeting, and the subject matter discussed.

County commissioners shall deliver their logs to the clerk of court at the end of each quarter and at the conclusion of their final term in office. County employees as designated in subsection 22-71(e) must deliver their logs to the clerk at the end of each quarter and upon the conclusion of their employment with Lee County. All lobby logs must be in the form provided for in Exhibit "A", hereto.

Individuals who serve as members of advisory boards or advisory committees to the county, who are either volunteers or receive no compensation from the county for their services, are not required to maintain the logs as described in this section.

All individuals subject to the requirements of this section must file lobby logs as set out above, regardless of whether any lobbying contacts are reported during any reporting period.

(Ord. No. 03-14, § 3, 6-24-2003)

Sec. 22-73. - Annual registration of paid lobbyists.

All paid lobbyists as defined herein, shall register with the clerk of the board of county commissioners on an annual basis. Every unregistered, paid lobbyist shall register prior to the first occasion such unregistered, paid lobbyist engages in the activity of lobbying as defined in this article. Every person, firm or other entity required to register as a paid lobbyist shall register on forms prepared by the clerk's office. The paid lobbyist shall state under oath their name, business address, the name and business address of each principal represented, the general and specific areas of legislative interest and the nature and extent of any direct business association or partnership with any current member of the board, a county employee, or person sitting on a decision-making body that is created by Florida Law, and under the jurisdiction of the board of county commissioners. Each firm, corporation or other legal entity, may register in the name of such firm, corporation or legal entity, provided the registration shall list the names of all persons which may engage in lobbying as defined in this article.

(Ord. No. 03-14, § 4, 6-24-2003)

Sec. 22-74. - Exemptions.

The following persons are not lobbyists as defined in subsection 22-71(b)(c), and shall not be required to register as paid lobbyists or keep records as paid lobbyists:

(1) Lee County employees discussing government business;

(2) Law enforcement personnel conducting an investigation;

(3) Persons when they communicate with board members or employees in their individual capacity for the purpose of self-representation, or on behalf of their family, without compensation or reimbursement;

(4) Persons when they appear at public meetings or hearings and communicate on the record;

(5) Consultants under contract with Lee County who communicate with commissioners or employees regarding issues related to the scope of services in their contract;

(6) Any government officials or employees who are acting in their official capacity or in the normal course of their duties, unless they are proposing in a competitive procurement, or are a government employee principally employed for, or whose substantial duties pertain to governmental affairs lobbying;

(7) Persons who make purely informational requests to a board member, advisory board member or employee with no intent to affect a decision or recommendation on any item; and

(8) Persons or representatives of organizations contacted by a board member, advisory board member or employee when the contact is initiated by that board member, advisory board member or employee in their official capacity in the normal course of their duties to obtain factual information.

(Ord. No. 03-14, § 5, 6-24-2003)

Sec. 22-75. - Validity of action.

The validity of any decision, action or determination made by the commission, advisory board or staff shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 03-14, § 6, 6-24-2003)

Sec. 22-76. - Quarterly paid lobbyist statement.

Each quarter, all paid lobbyists shall submit to the clerk's office a signed statement under oath listing lobbying expenditures, the sources of the funds, and an itemization as to the amount expended for each member of the board of county commissioners, a county employee or any other person on a decision-making body under the jurisdiction of the board of county commissioners. The statement shall be rendered on forms as provided by the clerk's office.

(Ord. No. 03-14, § 7, 6-24-2003)

Sec. 22-77. - Reserved.

Sec. 22-78. - Maintaining registrations and lobbying statements.

The clerk of the board of county commissioners shall accept and maintain the paid lobbyist registrations, quarterly paid lobbying statements and lobbying logs, which shall be open for public inspection.

(Ord. No. 03-14, § 8, 6-24-2003)

Sec. 22-79. - Prohibited conduct of county officials and employees.

No county official or employee of Lee County shall solicit or accept any compensation, payment, favor, service, or thing of value from a lobbyist when such county official or employee, as specified in subsection 22-71(e), knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or recommendation favorable to the lobbyist.

(Ord. No. 03-14, § 9, 6-24-2003)

Sec. 22-80. - Penalties.

The penalties for an intentional violation of this article are those as specified in F.S. § 125.69(1) as it may be amended or re-numbered from time to time.

(Ord. No. 03-14, § 10, 6-24-2003)

LOG OF LOBBYIST CONTACTS PURSUANT TO THE LEE COUNTY LOBBYING ORDINANCE

I hereby certify that the below information is true and accurate to the best of my knowledge.

Signature: _____ Week Ending: _____ Quarter Ending: _____

Typed Name of Individual: _____ Date Signed: _____

Date	Type of Contact (T or V)*	Name of Lobbyist	Principal Represented by the Lobbyist	Topic of Discussion	Comments (if any)

*T = Telephone Call Distribution: Original to Clerk of Courts

V = Personal Visit Copy to Filer Copy to Office File

[EXHIBIT A]

(Ord. No. 03-14, Exh. A, 6-24-2003)

Secs. 22-81—22-90. - Reserved.

LEON COUNTY

ARTICLE XII. - LOBBYIST REGULATIONS

Sec. 2-700. - Definitions.

(a) *Lobbying* shall mean communications, whether written or oral, by a lobbyist with any member or members of the Board of County Commissioners, or any member or members of any decision-making body under the jurisdiction of the board, or any county employee, whereby the lobbyist seeks to encourage or influence the passage, defeat, modification or repeal of any item which may be presented for vote before the Board of County Commissioners, or any decision-making body under the jurisdiction of the board, or which may be presented for consideration by a county employee as a recommendation to the board or decision-making body.

(b) *Lobbyist* means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

(c) *Lobbying firm* means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.

(d) *Principal* shall mean a person, firm, corporation, or other legal entity which has employed or retained a lobbyist.

(e) *Employee* shall mean the county administrator, county attorney, executive director of tourist development, commission staff, and all persons employed by the board of county commissioners.

(f) *Decision-making body* shall mean any body established by the board of county commissioners.

(Ord. No. 07-27, § 1, 12-11-07; Ord. No. 12-11, § 1, 10-9-12)

Sec. 2-701. - Registration of lobbyists.

All lobbyists, as defined herein, shall register with the clerk of the Board of County Commissioners on an annual basis, including payment of a non-refundable $25.00 fee for each principal so represented, prior to engaging in any lobbying. Registration shall be updated annually to add or withdraw principals, and at least each time a lobbyist commences lobbying on behalf of any new principle. Each lobbyist shall be required to register on forms prepared by the clerk of the board. The lobbyist shall state under oath his or her name, business address, the name and business address of each principal represented, that the principal has actually retained the lobbyist, the general and specific areas of legislative interest, and the nature and extent of any direct business association or partnership with any current member of the Board of County Commissioners, county employee, or person sitting on a decision-making body. Each lobbying firm may register in the name of such firm, corporation or legal entity, provided the registration and the payment of the lobbyist fees shall be for each of the persons who engage in lobbying as defined in this article. Failure to register, or providing false information in the lobbyist registration form, shall constitute a violation of this article.

(Ord. No. 07-27, § 1, 12-11-07; Ord. No. 12-11, § 1, 10-9-12)

Sec. 2-702. - Exemptions.

The following persons are not lobbyists as defined in section 2-700(b), and shall not be required to register as lobbyists or to keep records as lobbyists:

(1) Leon County employees discussing government business;

(2) Law enforcement personnel conducting an investigation;

(3) Persons who communicate with board members or employees in an individual capacity for the purpose of self-representation, or on behalf of a family member, without compensation or reimbursement;

(4) Consultants under contract with leon county who communicate with commissioners or county employees regarding issues related to the scope of services in their contract;

(5) Any government officials or employees who are acting in their official capacity or in the normal course of their duties, unless they are proposing in a competitive procurement, or are government employees principally employed for, or whose substantial duties pertain to, governmental affairs lobbying;

(6) Persons who make purely factual informational requests to a member of the board of county commissioners, member of a decision-making body, or employee with no intent to affect a decision or recommendation on any item; and

(7) Persons or representatives of organizations contacted by a member of the board of county commissioners, member of a decision-making board, or employee when the contact is initiated by that board member, decision-making board member, or employee in his or her official capacity in the normal course of his or her duties to obtain factual information only.

(Ord. No. 07-27, § 1, 12-11-07)

Sec. 2-703. - Validity of action.

The validity of any decision, action, or determination made by the commission, decision-making board or employee shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 07-27, § 1, 12-11-07)

Sec. 2-704. - Quarterly compensation report.

Each lobbying firm shall file a compensation report, signed under oath, with the clerk of the board of county commissioners for each calendar quarter during any portion of which such a lobbyist or lobbyist firm was registered under this article to represent a principal (hereinafter "reporting period").

(1) Each lobbying firm shall file a quarterly compensation report with the clerk of the board for each calendar quarter during any portion of which the lobbyist or one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

   a. Full name, business address, and telephone number of the lobbying firm;

   b. Name of each of the firm's lobbyists; and

   c. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: $0.00; $1.00 to $49,999.00; $50,000.00 to $99,999.00; $100,000.00 to $249,999.00; $250,000.00 to $499,999.00; $500,000.00 to $999,999.00; $1 million or more.

(2) For each principal represented by one or more of the firm's lobbyists, the quarterly compensation report shall also include the:

   a. Full name, business address, and telephone number of the principal; and

   b. Total compensation provided or owed to the lobbying firm for the reporting period from such principal, reported in one of the following categories: $0.00; $1.00 to $9,999.00; $10,000.00 to $19,999.00; $20,000.00 to $29,999.00; $30,000.00 to $39,999.00;

$40,000.00 to $49,999.00; or $50,000.00 or more. If the category "$50,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest $1,000.00.

(3) The quarterly compensation reports shall be filed no later than 30 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The quarterly compensation reports shall be filed in the form provided by the clerk of the Board of County Commissioners, and the quarterly reporting shall commence on January 1 of each year.

(4) Failure to file a required quarterly compensation report with the clerk of the board shall result in the imposition of a penalty equal to twice the annual lobbyist registration fee.

(Ord. No. 07-27, § 1, 12-11-07; Ord. No. 12-11, § 1, 10-9-12)

Sec. 2-705. - Maintaining Registrations and Compensation Reports.

The clerk of the board of county commissioners shall accept and maintain the lobbyist registrations and quarterly compensation reports, which shall be open for public inspection.

(Ord. No. 07-27, § 1, 12-11-07)

Sec. 2-706. - Prohibited conduct of county officials and employees.

No member of the board of county commissioners or employee of Leon County shall solicit or accept as compensation, payment, favor, service, or thing of value from a lobbyist or principal when such member of the board of county commissioners or employee, as specified above, knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or recommendation favorable to the lobbyist or principal.

(Ord. No. 07-27, § 1, 12-11-07)

Sec. 2-707. - Prohibited communication.

(a) Any form of communication, except for written correspondence, shall be prohibited regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between:

(1) Any person or person's representative seeking an award from such competitive solicitation; and

(2) Any county commissioner or commissioner's staff, or any county employee authorized to act on behalf of the commission to award a particular contract.

(b) For the purpose of this section, a person's representative shall include, but not be limited to, the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.

(c) The prohibited communication shall be in effect as of the deadline to submit the proposal, bid, or other response to a competitive solicitation.

(d) The provisions of this section shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meetings, presentations made to the board, and protest hearings. Further, the provisions of this section shall not apply to contract negotiations between any employee and the intended awardee, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, or any written correspondence with any employee, county

commissioner, or decision-making board member or selection committee member, unless specifically prohibited by the applicable competitive solicitation process.

(e) The provisions of this section shall not apply to any purchases made in an amount less than the competitive bid threshold of $20,000.00, as set forth in Leon County Purchasing Policy No. 96-1, as amended.

(f) The provisions of this section shall terminate at the time the board, or a county department authorized to act on behalf of the board, awards or approves a contract, rejects all bids or responses, or otherwise takes action which ends the solicitation process.

(Ord. No. 07-27, § 1, 12-11-07; Ord. No. 12-11, § 1, 10-9-12)

Sec. 2-708. - Penalties.

The penalties for an intentional violation of this article shall be those specified in F.S. § 125.69(1), as amended, and shall be deemed supplemental to the penalties set forth in section 1-9 of this Code.

(Ord. No. 07-27, § 1, 12-11-07)

LEON COUNTY (CITY OF TALLAHASSEE)

ARTICLE VIII. - LOBBYIST REGULATIONS

Sec. 2-338. - Definitions.

(a) *Lobbying* shall mean communications, whether written or oral, by a lobbyist outside a duly noticed public meeting or hearing on the record with any member or members of the city commission, or any member or members of any decision-making body under the jurisdiction of the city commission, or any city employee, whereby the lobbyist seeks to encourage or influence the passage, defeat, modification or repeal of any item which may be presented for vote before the city commission, or any decision-making body under the jurisdiction of the city commission, or which may be presented for consideration by a city employee as a recommendation to the city commission or decision-making body.

(b) *Lobbyist* means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

(c) *Lobbying firm* means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.

(d) *Principal* shall mean a person, firm, corporation, or other legal entity which has employed or retained a lobbyist.

(e) *Employee* shall mean all persons employed by the City of Tallahassee.

(f) *Decision-making body* shall mean any body established by the city commission.

(Ord. No. 11-O-03AA, § 1, 2-23-2011)

Sec. 2-339. - Registration of lobbyists.

All lobbyists, as defined herein, shall register with the city treasurer-clerk on an annual basis, including payment of a $25.00 fee for each principal so represented, prior to engaging in any lobbying. Lobbyists shall register by April 1, 2011, for the period April 1, 2011, to December 31, 2011. Thereafter, the annual period shall be the calendar year. Registration shall be updated to add or withdraw principals before a lobbyist commences lobbying on behalf of any new principal. Each lobbyist shall be required to register on forms prepared by the city treasurer-clerk. The lobbyist shall state under oath his or her name, business address, the name and business address of each principal represented, that the principal has actually retained the lobbyist, the general and specific areas of legislative interest, and the nature and extent of any direct business association or partnership with any current member of the city commission, city employee, or person sitting on a decision-making body. Each lobbying firm may register in the name of such firm, corporation or legal entity, provided the registration shall list the names of all persons who engage in lobbying as defined in this article. Failure to register, or providing false information in the lobbyist registration form, shall constitute a violation of this article.

(Ord. No. 11-O-03AA, § 1, 2-23-2011)

Sec. 2-340. - Exemptions.

The following persons are not lobbyists as herein defined and shall not be required to register as lobbyists or to keep records as lobbyists:

(1) City employees discussing government business;

(2) Law enforcement personnel conducting an investigation;

(3) Persons who communicate with board members or employees in an individual capacity for the purpose of self-representation, or on behalf of a family member, without compensation or reimbursement;

(4) Consultants under contract with the city who communicate with city commissioners or city employees regarding issues related to the scope of services in their contract;

(5) Any government officials or employees who are acting in their official capacity or in the normal course of their duties, unless they are proposing in a competitive procurement, or are government employees principally employed for, or whose substantial duties pertain to, governmental affairs lobbying;

(6) Persons who make purely factual informational requests to a member of the city commission, member of a decision-making body, or employee with no intent to affect a decision or recommendation on any item; and

(7) Persons or representatives of organizations contacted by a city commissioner, member of a decision-making board, or employee when the contact is initiated by that city commissioner, decision-making board member, or employee in his or her official capacity in the normal course of his or her duties to obtain factual information only.

(Ord. No. 11-O-03AA, § 1, 2-23-2011)

Sec. 2-341. - Validity of action.

The validity of any decision, action, or determination made by the city commission, decision-making board or employee shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 11-O-03AA, § 1, 2-23-2011)

Sec. 2-342. - Quarterly compensation report.

Each lobbying firm shall file a compensation report, signed under oath, with the city treasurer-clerk for each calendar quarter during any portion of which such a lobbyist or lobbyist firm was registered under this article to represent a principal (hereinafter "reporting period").

(1) Each lobbying firm shall file a quarterly compensation report with the city treasurer-clerk for each calendar quarter during any portion of which the lobbyist or one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

   a. Full name, business address, and telephone number of the lobbying firm;

   b. Name of each of the firm's lobbyists; and

   c. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: $0.00; $1.00 to $49,999.00; $50,000.00 to $99,999.00; $100,000.00 to $249,999.00; $250,000.00 to $499,999.00; $500,000.00 to $999,999.00; $1,000,000.00 or more.

(2) For each principal represented by one or more of the firm's lobbyists, the quarterly compensation report shall also include the:

   a. Full name, business address, and telephone number of the principal; and

   b. Total compensation provided or owed to the lobbying firm for the reporting period from such principal, reported in one of the following categories: $0.00; $1.00 to $9,999.00; $10,000.00 to $19,999.00; $20,000.00 to $29,999.00; $30,000.00 to $39,999.00;

$40,000.00 to $49,999.00; or $50,000.00 or more. If the category "$50,000.00 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest $1,000.00.

(3) The quarterly compensation reports shall be filed no later than 30 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The quarterly compensation reports shall be filed in the form provided by the city treasurer-clerk.

(Ord. No. 11-O-03AA, § 1, 2-23-2011)

Sec. 2-343. - Maintaining registrations and compensation reports.

The city treasurer-clerk shall accept and maintain the lobbyist registrations and quarterly compensation reports, which shall be open for public inspection.

(Ord. No. 11-O-03AA, § 1, 2-23-2011)

Sec. 2-344. - Prohibited conduct of city officials and employees.

(a) No member of the city commission or employee of the city shall solicit or accept as compensation, payment, favor, service, or thing of value from a lobbyist or principal when such member of the city commission or employee, as specified above, knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or recommendation favorable to the lobbyist or principal.

(b) No member of the city commission or city appointed official shall appear before the city commission for compensation for two years from the date he/she leaves the city commission or city employment.

(Ord. No. 11-O-03AA, § 1, 2-23-2011; Ord. No. 14-O-44AA, § 2, 9-22-2014)

Sec. 2-345. - Compliance; penalties.

(a) The city's ethics officer shall monitor lobbyists for compliance with this section, and shall develop procedures for suspension of lobbyists until compliance is attained. The ethics officer will alert the city commission to any instances of non-compliance, and will inform the city commission of any need to institute progressive penalties for repeat offenders.

(b) The penalties for an intentional violation of this article shall be those specified in section 1-7 of this Code.

(Ord. No. 11-O-03AA, § 1, 2-23-2011; Ord. No. 14-O-44AA, § 2, 9-22-2014)

Editor's note— Ord. No. 14-O-44A, § 2, adopted September 22, 2014, changed the title of section 2-345 from "Penalties" to "Compliance; penalties." The historical notation has been preserved for reference purposes.

Secs. 2-346—2-356. - Reserved.

MIAMI-DADE COUNTY

Sec. 2-11.1. - Conflict of Interest and Code of Ethics Ordinance.

(a) *Designation.* This section shall be designated and known as the "Miami-Dade County Conflict of Interest and Code of Ethics Ordinance." This section shall be applicable to all County personnel as defined herein, and shall also constitute a minimum standard of ethical conduct and behavior for all municipal officials and officers, autonomous personnel, quasi-judicial personnel, advisory personnel, departmental personnel and employees of municipalities in the County insofar as their individual relationships with their own municipal governments are concerned. References in the section to County personnel shall therefor be applicable to municipal personnel who serve in comparable capacities to the County personnel referred to. (Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-27, § 1, 3-20-73)

(b) *Definitions.* For the purposes of this section the following definitions shall be effective:

(1) The term "Commissioners" shall refer to the Mayor and the members of the Board of County Commissioners as duly constituted from time to time.

(2) The term "autonomous personnel" shall refer to the members of semi-autonomous authorities, boards, and agencies as are entrusted with the day to day policy setting, operation and management of certain defined County functions or areas of responsibility, even though the ultimate responsibility for such functions or areas rests with the Board of County Commissioners.

(3) The term "quasi-judicial personnel" shall refer to the members of the Community Zoning Appeals Board and such other boards and agencies of the County as perform quasi-judicial functions.

(4) The term "advisory personnel" shall refer to the members of those County advisory boards and agencies whose sole or primary responsibility is to recommend legislation or give advice to the Board of County Commissioners.

(5) The term "departmental personnel" shall refer to the Manager, his or her department heads, the County Attorney and all Assistant County Attorneys.

(6) The term "employees" shall refer to all other personnel employed by the County.

(7) The term "compensation" shall refer to any money, gift, favor, thing or value or financial benefit conferred in return for services rendered or to be rendered.

(8) The term "controlling financial interest" shall refer to ownership, directly or indirectly, to ten (10) percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten (10) percent or more in a firm, partnership, or other business entity.

(9) The term "immediate family" shall refer to the spouse, domestic partner, parents, stepparents, children and stepchildren of the person involved.

(10) The term "transact any business" shall refer to the purchase or sale by the County of specific goods or services for a consideration.

(11) The term "Ethics Commission" shall refer to the Miami-Dade County Commission on Ethics and Public Trust.

(12) The term "domestic partner" shall mean a person who is a party to a valid domestic partnership relationship as described in section 11A-72(b)(1),(2), (3), (4) and (6) of the Code.

(13) The term "contract staff' shall mean any employee and/or principal of an independent contractor, subcontractor (of any tier), consultant or sub-consultant (of any tier), designated in a contract with the County as a person who shall be required to comply with the provisions of Subsections 2-11.1(g), (h), (j), (l), (m), (n) and (o) of the Conflict of Interest and Code of Ethics Ordinance. Prior to determining whether to designate a person as contract staff in a RFP, RFQ,

bid or contract, the Mayor or his or her designee shall seek a recommendation from the Executive Director of the Ethics Commission.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-23, § 1, 3-20-73; Ord. No. 86-24, § 3, 4-1-86; Ord. No. 10-48, § 1, 7-8-10)

(c) *Prohibition on transacting business within the County.*

(1) No person included in the terms defined in subsection (b)(1) through (6) and in subsection (b)(9) shall enter into any contract or transact any business, except as provided in subsections (c)(2) through (c)(6) in which he or she or a member of his or her immediate family has a financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. Willful violation of this subsection shall constitute malfeasance in office and shall effect forfeiture of office or position.

(2) County employees' limited exclusion from prohibition on contracting with the county. Notwithstanding any provision to the contrary herein, subsections (c) and (d) shall not be construed to prevent any employee as defined by subsection (b)(6) [excluding departmental personnel as defined by subsection (b)(5)] or his or her immediate family as defined by subsection (b)(9) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the employee or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County, as long as (1) entering into the contract would not interfere with the full and faithful discharge by the employee of his or her duties to the County, (2) the employee has not participated in determining the subject contract requirements or awarding the contract, and (3) the employee's job responsibilities and job description will not require him or her to be involved with the contract in any way, including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance. However, this limited exclusion shall not be construed to authorize an employee or his or her immediate family member to enter into a contract with Miami-Dade County or any person or agency acting for Miami-Dade County, if the employee works in the county department which will enforce, oversee or administer the subject contract.

(3) Limited exclusion from prohibition on autonomous personnel, advisory personnel and quasi-judicial personnel contracting with county. Notwithstanding any provision to the contrary herein, subsections (c) and (d) shall not be construed to prohibit any person defined in subsection (b)(2), (b)(3) and (b)(4) from entering into any contract, individually or through a firm, corporation, partnership or business entity in which the board member or any member of his or her immediate family has a controlling financial interest, with Miami-Dade County or any person or agency acting for Miami-Dade County. However, any person defined in subsection (b)(2), (b)(3) and (b)(4) is prohibited from contracting with any agency or department of Miami-Dade County subject to the regulation, oversight, management, policy-setting or quasi-judicial authority of the board of which the person is a member.

(4) Any person defined in subsections (b)(2) through (b)(4) and subsection (b)(6) shall seek a conflict of interest opinion from the Miami-Dade County Commission on Ethics and Public Trust ("the Ethics Commission") prior to submittal of a bid, response, or application of any type to contract with the County by the person or his or her immediate family. A request for a conflict of interest opinion shall be made in writing and shall set forth and include all pertinent facts and relevant documents. If the Ethics Commission finds that the requirements of this section pertaining to exclusions for persons defined in subsections (b)(2) through (b)(4) and subsection (b)(6) are not met and that the proposed transaction would create a conflict of interest, the person defined in subsections (b)(2), (b)(3), (b)(4) or (b)(6) may request a waiver from the Board of County Commissioners within ten (10) days of the Ethics Commission opinion by filing a notice of appeal to the Ethics Commission. The Ethics Commission shall forward the notice of appeal and its opinion and any pertinent documents to the Clerk of the Board of County

Commissioners (the "Clerk") forthwith. The Clerk shall place the request on the commission agenda for consideration by the Board. The Board of County Commissioners may grant a waiver upon an affirmative vote of two-thirds (2/3) of the entire Board of County Commissioners, after public hearing, if it finds that the requirements of this ordinance pertaining to the exclusion for a County employee from the Code have been met and that the proposed transaction will be in the best interest of the County. The Board of County Commissioners may, as provided in subsection (c)(6), grant a waiver to any person defined in subsection (b)(2) through (b)(4) regarding a proposed transaction. Such findings shall be included in the minutes of the board. This subsection shall be applicable only to proposed transactions, and the Board may in no case ratify a transaction entered into in violation of this subsection.

If the affected person or his or her immediate family member chooses to respond to a solicitation to contract with the County, such person shall file with the Clerk a statement in a form satisfactory to the Clerk disclosing the person's interest or the interest of his or her immediate family in the proposed contract and the nature of the intended contract at the same time as or before submitting a bid, response, or application of any type to contract with the County. Along with the disclosure form, the affected person shall file with the Clerk a copy of his or her request for an Ethics Commission opinion and any opinion or waiver from the Board. Also, a copy of the request for a conflict of interest opinion from the Ethics Commission and any opinion or waiver must be submitted with the response to the solicitation to contract with the County.

Notwithstanding any provision herein to the contrary, the County and any person or agency acting for Miami-Dade County shall not award a contract to any person defined in subsections (b)(2) through (b)(4) and subsection (b)(6) or his or her immediate family individually or through a firm, corporation, partnership or business entity in which the person or any member of his or her immediate family has a controlling financial interest, unless the Ethics Commission has rendered an opinion that entering the contract would not be a conflict of interest or the Board waives the conflict in accordance with the provisions of this ordinance.

The County Manager is directed to include language in all solicitations for county contracts advising persons defined in subsections (b)(2) through (b)(4) and subsection (b)(6) of the applicable conflict of interest code provisions, the provisions of this ordinance, including the requirement to obtain an Ethics Commission opinion and make disclosure, and the right to seek a legal opinion from the State of Florida Ethics Commission regarding the applicability of state law conflict of interest provisions.

(5) Nothing herein shall prohibit or make illegal (1) the payment of taxes, special assessments or fees for services provided by County government; (2) the purchase of bonds, anticipation notes or other securities that may be issued by the County through underwriters or directly from time to time; (3) the participation of the persons included in the terms defined in subsection (b)(1) through (6), except for employees of the general services administration and their "immediate family" as defined in (b)(9), in the public auction process utilized by the County for the disposal of surplus motor vehicles; (4) the purchase of surplus personal property, pursuant to administrative order, by persons defined in subsection (b)(1) through (6) and (9); (5) an application for direct assistance from the Miami-Dade County Department of Housing and Urban Development or an application to participate in a program administered by the Department of Special Housing has been submitted by an applicant who is a County person as defined in subsection (b) and who would but for this section be eligible for such assistance from said department; provided, however, that the exception provided in this paragraph shall not extend to an employee of the Miami-Dade County Department of Housing and Urban Development or the Department of Special Housing who participates in the administration of said programs; or (6) and application to participate in a single-family mortgage loan program sponsored by the Housing Finance Authority of Miami-Dade County, has been submitted by a County person as defined in subsection (b), and would but for this section be eligible for participation in said program; provided, however, that the exception provided in this paragraph

shall not extend to an employee of the Miami-Dade County Finance Department who participates in the administration of said single-family mortgage loan program.

(6) Extension of waiver to county commissioners, autonomous personnel, quasi-judicial personnel, and advisory personnel. The requirements of this subsection may be waived for a particular transaction only by affirmative vote of two-thirds of the entire Board of County Commissioners, after public hearing. Such waiver may be affected only after findings by two-thirds of the entire Board that:

(1) An open-to-all sealed competitive bid has been submitted by a County person as defined in subsection (b)(2), (3) and (4), or

(2) The bid has been submitted by a person or firm offering services within the scope of practice of architecture, professional engineering, or registered land surveying as defined by the laws of the State of Florida and pursuant to the provisions of the Consultants' Competitive Negotiation Act, and when the bid has been submitted by a County person defined in subsection (b)(2), (3) and (4), or

(3) The property or services to be involved in the proposed transaction are unique and the County cannot avail itself of such property or services without entering a transaction which would violate this subsection but for waiver of its requirements, or

(4) That the property or services to be involved in the proposed transaction are being offered to the County at a cost of no more than 80 percent of fair market value based on a certified appraisal paid for by the provider, and

(5) That the proposed transaction will be to the best interest of the County.

Such findings shall be spread on the minutes of the Board. This subsection shall be applicable only to prospective transactions, and the Board may in no case ratify a transaction entered in violation of this subsection.

Provisions cumulative. This subsection shall be taken to be cumulative and shall not be construed to amend or repeal any other law pertaining to the same subject matter. (Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-24, § 1, 3-20-73; Ord. No. 73-45, § 1, 5-1-73; Ord. No. 75-91, § 1, 11-4-75; Ord. No. 75-119, § 1, 12-16-75; Ord. No. 79-85, § 1, 10-16-79; Ord. No. 80-33, § 1, 5-6-80; Ord. No. 85-84, § 1, 10-1-85; Ord. No. 85-98, § 1, 11-5-85; Ord. No. 87-58, § 1, 9-1-87; Ord. No. 88-102, § 1, 10-18-88; Ord. No. 91-113, § 1, 10-1-91; Ord. No. 00-1, § 1, 1-13-00; Ord. No. 00-151, § 1, 11-28-00)

(d) *Further prohibition on transacting business with the County.* No person included in the terms defined in subsections (b)(1) through (6) and in subsection (b)(9) shall enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he or any member of his immediate family has a controlling financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable. The remaining provisions of subsection (c) will also be applicable to this subsection as though incorporated herein by recitation.

Additionally, no person included in the term defined in subsection (b)(1) shall vote on or participate in any way in any matter presented to the Board of County Commissioners if said person has any of the following relationships with any of the persons or entities which would be or might be directly or indirectly affected by any action of the Board of County Commissioners: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor, or creditor, if in any instance the transaction or matter would affect the person defined in subsection (b)(1) in a manner distinct from the manner in which it would affect the public generally. Any person included in the term defined in subsection (b)(1) who has any of the above relationships or who would or might, directly or indirectly, profit or be enhanced by the action of the Board of County Commissioners shall: (1) announce publicly at the meeting the nature of the conflict before the matter is heard; (2) absent himself or herself from the Commission chambers during that portion of the meeting when the matter is considered; and (3) file a written disclosure of the nature of the conflict with the Clerk of the Board within 15 days after the vote.

The filing of the State of Florida form prescribed for written disclosure of a voting conflict shall constitute compliance with this subsection. (Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-45, § 2, 5-1-73; Ord. No. 86-11, § 1, 2-18-86; Ord. No. 86-24, § 1, 4-1-86; Ord. No. 16-47, 5-17-16)

(e) *Gifts.*

(1) *Definition.* The term "gift" shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise, or in any other form, without adequate and lawful consideration. Food and beverages consumed at a single sitting or meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift.

(2) *Exceptions.* The provisions of subsection (e)(1) shall not apply to:

a. Political contributions specifically authorized by State law;

b. Gifts from relatives or members of one's household;

c. Awards for professional or civic achievement;

d. Material such as books, reports, periodicals or pamphlets which are solely informational or of an advertising nature;

e. Gifts solicited by County employees or departmental personnel on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business;

f. Gifts solicited by Commissioners on behalf of the County in the performance of their official duties for use solely by the County in conducting its official business;

g. Gifts solicited by Commissioners, or their staff members, on behalf of any nonprofit organization for use solely by that organization where neither the Commissioner, nor his or her staff receives any compensation as a result of the solicitation. As used in this subsection, a "nonprofit organization" shall mean any entity described in section 501(c)(3) of the Internal Revenue Code (the "Code") that is tax exempt under section 501(a) of the Code. As used in this subsection, "compensation" means any money, gift, favor, political contribution, thing of value or other financial benefit.

(3) *Prohibitions.* A person described in subsection (b)(1) through (6) shall neither solicit nor demand any gift. It is also unlawful for any person or entity to offer, give or agree to give to any person included in the term defined in subsection (b)(1) through (6) or for any person included in the term defined in subsection (b)(1) through (6) to accept or agree to accept from another person or entity, any gift for or because of:

a. An official public action taken, or to be taken, or which could be taken;

b. A legal duty performed or to be performed, or which could be performed; or

c. A legal duty violated or to be violated, or which could be violated by any person included in the term defined in subsection (b)(1).

(4) *Disclosure.* Any person included in the term defined in subsection (b)(1) through (6) shall disclose as provided herein any gift, or series of gifts from any one person or entity, having a value in excess of one hundred dollars ($100.00). Said disclosure shall be made by filing a copy of the disclosure form required by Chapter 112, Florida Statutes, for "local officers" with the Clerk of the Board of County Commissioner simultaneously with the filing of the form with the Secretary of State.

(Ord. No. 78-82, § 1, 11-21-72; Ord. No. 86-25, § 1, 4-1-86; Ord. No. 87-70, § 1, 10-20-87; Ord. No. 91-62, § 1, 6-4-91; Ord. No. 99-124, § 1, 2-11.1; Ord. No. 99-145, § 1, 10-19-99; Ord. No. 10-48, § 1, 7-8-10)

(f) *Compulsory disclosure by employees of firms doing business with the County.* Should any person included in the terms defined in subsections (b)(1) through (6) be employed, either himself or herself or through a member of his or her immediate family, by a corporation, firm, partnership or business entity in which he or she does not have a controlling financial interest, and should the said corporation, firm, partnership or business entity have substantial business commitments to or from the County or any County agency, or be subject to direct regulation by the County or a County agency, then said person shall file a sworn statement disclosing such employment and interest with the Clerk of the Circuit Court in and for Miami-Dade County.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 10-48, § 1, 7-8-10)

(g) *Exploitation of official position prohibited.* No person included in the terms defined in subsection (b)(1) through (6) and (b)(13) shall use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the Board of County Commissioners.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 10-48, § 1, 7-8-10)

(h) *Prohibition on use of confidential information.* No person included in the terms defined in subsection (b)(1) through (6) and (b)(13) shall accept employment or engage in any business or professional activity which he or she might reasonably expect would require or induce him or her to disclose confidential information acquired by him or her by reason of his or her official position, nor shall he or she in fact ever disclose confidential information garnered or gained through his or her official position with the County, nor shall he or she ever use such information, directly or indirectly, for his or her personal gain or benefit.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 10-48, § 1, 7-8-10)

(i) *Financial disclosure.*

(1) All persons and firms included within subsections (a) and (b)(2), (3) and (4) of this section shall file, no later than 12:00 noon of July 1st of each year including the July 1st following the last year that person is in office or held such employment, one (1) of the following:

a. A copy of that person's or firm's current federal income tax return; or

b. A current certified financial statement on a form of the type approved for use by State or national banks in Florida listing all assets and liabilities having a value in excess of one thousand dollars ($1,000.00) and a short description of each; or

c. An itemized source of income statement, under oath and on a form approved by the County for said purpose.

Compliance with the financial disclosure provisions of Chapter 112 (Part III), Florida Statutes, as amended, or with the provisions of Article II, Section 8 of the Florida Constitution, as amended by the voters on November 2, 1976, and any general laws promulgated thereunder, shall constitute compliance with this section.

(2) County and municipal personnel. The following County personnel shall comply with the filing requirements of subsection (i)(1) above: The Mayor and members of the Board of County Commissioners; County Attorney and Assistant County Attorneys; County Manager; Assistant County Manager(s); Special Assistant(s) to the County Manager; heads or directors of County departments and their assistant or deputy department heads; employees of the Miami-Dade Police with the rank of captain, major and chief; Building and Zon-ing Inspectors. References

herein to specified County personnel and Boards shall be applicable to municipal personnel and Boards that serve in comparable capacities to the County personnel and Boards referred to.

(3) Candidates for County and municipal office. All candidates for County and municipal elective office shall comply with the filing requirements of subsection (i)(1) above at the same time that candidate files qualifying papers.

(4) Consultants. All persons or firms providing professional services as defined by Section 2-10.4(1)(a) and (b) of the Code of Miami-Dade County, to Miami-Dade County or any municipalities, their agencies, or instrumentalities, shall comply with the filing requirements of subsection (i)(1) above within ninety (90) days of the effective date hereof. All persons or firms subsequent to the effective date of this section, which engage in competitive negotiation with Miami-Dade County or any of its municipalities, their agencies or instrumentalities under and pursuant to Section 2-10.4 of the Code of Miami-Dade County shall comply with the reporting requirements of subsection (i)(1) of this section within thirty (30) days of execution of a contract arising out of said competitive negotiations and prior to any payments from said County, municipalities or other agencies or instrumentalities. Failure to comply with the terms hereof by such persons or firms shall render existing contracts voidable and shall automatically void any contracts negotiated and executed subsequent to the effective date of this section where the required information is not furnished within thirty (30) days of the execution of said contract as noted herein.

(5) Reports; filing. All documents required to be filed hereunder by County persons or consultants shall be filed with the supervisor of elections. Documents required to be filed hereunder by municipal persons or consultants shall be filed with the municipal Clerk of that entity.

(6) Public disclosure. All documents filed pursuant to this subsection shall constitute public records within the meaning of Chapter 119, Florida Statutes.

(7) Construction. The construction of this subsection shall be considered as supplemental to and not in substitution of any requirements of Chapter 112, Florida Statutes, or any rules and regulations promulgated thereunder.

(Ord. No. 77-13, § 1, 3-1-77; Ord. No. 83-18, § 1, 4-19-83; Ord. No. 84-39, § 1, 5-15-84)

(j) *Conflicting employment prohibited.* No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall accept other employment which would impair his or her independence of judgment in the performance of his or her public duties.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 2, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

(k) *Prohibition on outside employment.*

(1) No person included in the terms defined in subsections (b)(5) [departmental personnel] and (6) [employees] shall receive any compensation for his or her services as an officer or employee of the County, from any source other than the County, except as may be permitted by Section 2-11 of this Code of Ordinances.

(2) All full-time County and municipal employees engaged in any outside employment for any person, firm, corporation or entity other than Miami-Dade County, or the respective municipality, or any of their agencies or instrumentalities, shall file, under oath, an annual report indicating the source of the outside employment, the nature of the work being done pursuant to same and any amount or types of money or other consideration received by the employee from said outside employment. Said County employee's reports shall be filed with the supervisor of elections no later than 12:00 noon on July 1st of each year, including the July 1st following the last year that person held such employment. Municipal employee reports shall be filed with the Clerk of their respective municipalities. Said reports shall be available at a reasonable time and

place for inspection by the public. The County Manager or any city manager may require monthly reports from individual employees or groups of employees for good cause.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 3, 3-1-77; Ord. No. 77-79, § 1, 1-11-77; Ord. No. 77-87, § 1, 12-6-77; Ord. No. 83-18, § 2, 4-19-83; Ord. No. 84-39, § 2, 5-15-84; Ord. No. 10-48, § 1, 7-8-10)

(l) *Prohibited investments.* No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall have personal investments in any enterprise, either himself, herself, or through a member of his or her immediately family, which will create a substantial conflict between his or her private interests and the public interest.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

(m) *Certain appearances and payment prohibited.*

(1) No person included in the terms defined in subsections (b)(1), (5), (6) and (13) [commissioners, the Mayor, departmental personnel, employees and contract staff] shall appear before any County Board or agency and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form, for services rendered to a third person, who has applied for or is seeking some benefit from the County or a County agency, in connection with the particular benefit sought by the third person. Nor shall such person appear in any court or before any administrative tribunal as counsel or legal advisor to a party who seeks legal relief from the County or a County agency through the suit in question.

(2) No person included in the terms defined in subsections (b)(2), (3) and (4) [autonomous personnel, quasi-judicial personnel, and advisory personnel] shall appear before the County board or agency on which he or she serves, either directly or through an associate, and make a presentation on behalf of a third person with respect to any license, contract, certificate, ruling, decision, opinion, rate schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form, for services rendered to a third party, who has applied for or is seeking some benefit from the County board or agency on which such person serves, in connection with the particular benefit by the third party. Nor shall such person appear in any court or before any administrative tribunal as counsel or legal advisor to a third party who seeks legal relief from the County board or agency on which such person serves through the suit in question. However, this section shall not prohibit an architect serving without compensation on the Miami-Dade County Board of Energy Regulation or on any architectural Board, whose sole function is to pass on the aesthetics of plans submitted, from submitting plans on behalf of a client so long as such member makes known his or her representation of the applicant and disqualifies himself or herself from speaking or voting or otherwise participating on such application.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-25, § 1, 3-20-73; Ord. No. 73-51, § 1, 5-15-73; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 79-39, § 1, 6-19-79; Ord. No. 10-48, § 1, 7-8-10)

(n) *Actions prohibited when financial interests involved.* No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest. A financial interest is defined as a special financial interest, direct or indirect, as that term is used in Section 4.03 of the County's Charter; or as a financial interest as defined in Section 769 of the Restatement of the Law of Torts as an investment or something in the nature of an investment. This section shall not prohibit any official, officer, employee or person from taking official action (1) to

promote tourism or downtown development or redevelopment within the County or any portion thereof, or (2) to authorize the expenditure of public funds for promoting tourism or downtown development or redevelopment, so long as no such authorized public funds are to be paid to such person or a member of his or her immediate family or any business in which he or she or any member of his or her immediate family has a financial interest.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-50, § 1, 5-15-73; Ord. No. 75-76, § 1, 9-17-75; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

(o) *Acquiring financial interests.* No person included in the terms defined in subsections (b)(1) through (6) and (b)(13) shall acquire a financial interest in a project, business entity or property at a time when he or she believes or has reason to believe that the said financial interest will be directly affected by his or her official actions or by official actions by the County or County agency of which he or she is an official, officer, employee or contract staff.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 10-48, § 1, 7-8-10)

(p) *Recommending professional services.* No person included in the terms defined in subsections (b)(1) through (6) may recommend the services of any lawyer or law firm, architect or architectural firm, public relations firm, or any other person or firm, professional or otherwise, to assist in any transaction involving the County or any of its agencies, provided that such recommendation may properly be made when required to be made by the duties of office and in advance at a public meeting attended by other County officials, officers or employees.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77)

(q) *Continuing application after county service.*

(1) No person who has served as an elected county official, i.e., mayor, county commissioner, or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager, department director, departmental personnel or employee shall, for a period of two (2) years after his or her county service or employment has ceased, lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Additionally, no person who has served as a community council member shall, for a period of two (2) years after his or her county service or employment has ceased, lobby, with regard to any zoning or land use issue, any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has any interest whatever, whether direct or indirect. Nothing contained in this Subsection (q)(1) shall prohibit any individual included within the provisions of this subsection from submitting a routine administrative request or application to a county department or agency during the two-year period after his or her county service has ceased.

(2) The provisions of this Subsection (q) shall not apply to officials, departmental personnel or employees who become employed by governmental entities, 501(c)(3) non-profit entities or educational institutions or entities, and who lobby on behalf of such entities in their official capacities.

(3) The provisions of this section shall apply to all individuals as described in Subsection (q)(1) who leave the county after the effective date of the ordinance from which this section derives.

(4) Any former county officer, departmental personnel or employee who has left the county within two (2) years prior to the effective date of this ordinance and has entered into a lobbying contract prior to the effective date of this ordinance shall, for a period of two (2) years after his or her county service or employment has ceased, comply with Subsection (q) as it existed prior to the effective date of the ordinance from which this section derives and as modified by this Subsection (q)(4) when lobbying pursuant to said contract. No former county officer, departmental personnel or employee who has left the county within two (2) years prior to the effective date of the ordinance from which this section derives shall for a period of two (2) years after his or her county service or employment has ceased enter into a lobbying contract to lobby any county officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFQ, bid, request for ruling, or other determination, contract, claim, controversy, charge, accusation, arrest or other particular subject matter in which Miami-Dade County or one (1) of its agencies or instrumentalities is a party or has a direct and substantial interest; and in which he or she participated directly or indirectly as an officer, departmental personnel or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, during his or her county service or employment. As used herein, a person participated "directly" where he or she was substantially involved in the particular subject matter through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, during his or her county service or employment. As used herein, a person participated "indirectly" where he or she knowingly participated in any way in the particular subject matter through decision, approval, disapproval, recommendation, the rendering of legal advice, investigation or otherwise, during his or her county service or employment. Former county officers, departmental personnel and employees who have left the county within two (2) years prior to the effective date of the ordinance from which this section derives shall execute an affidavit on a form prepared by the Office of the Inspector General prior to lobbying any county officer, departmental personnel or employee stating that the requirements of this section do not preclude said person from lobbying any officer, departmental personnel or employee of the county. The Inspector General shall verify the accuracy of each affidavit executed by former county officers, departmental personnel or employees.

(5) Any individual who is found to be in violation of this Subsection (q) shall be subject to the penalties provided in either Subsection (u)(1) or Subsection (u)(2).

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 99-2, § 1, 1-21-99)

(r) *Ethics Commission to render opinions on request.* Whenever any person included in the terms defined in subsection (b)(1) through (6), (b)(9) and (b)(13) is in doubt as to the proper interpretation or application of this Conflict of Interest and Code of Ethics Ordinance as to himself or herself, or whenever any person who renders services to the County is in doubt as to the applicability of the said ordinance as to himself or herself, he or she may submit to the Ethics Commission a full written statement of the facts and questions he or she has. The Ethics Commission shall then render an opinion to such person and shall publish these opinions without use of the name of the person advised unless such person requests the use of his or her name. Any person included in the term defined in subsection (b)(1) (i.e., Mayor or Commissioner) who is employed or retained by an entity that receives County funds or is under contract with the County shall, within sixty (60) days after (a) being retained or employed by the entity, or (b) becoming aware of the entity's receipt of County funds or of the entity's contract with the County, whichever is later, seek an opinion from the Ethics Commission or the Executive Director of the Ethics Commission regarding the applicability of the Conflict of Interest and Code of Ethics Ordinance. Any person included in the term defined in subsection (b)(1) who is employed or retained by an entity that receives County funds or is under contract with the County and has received an opinion from the Ethics Commission or the Executive Director of the Ethics Commission prior to the effective date of this ordinance regarding the applicability of the Conflict of Interest and Code of Ethics Ordinance to himself or herself shall not be required to seek another opinion from the Ethics Commission.

(Ord. No. 73-26, § 1, 3-20-73; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 97-105, § 2, 7-8-97; Ord. No. 10-48, § 1, 7-8-10; Ord. No. 12-22, § 1, 4-3-12)

(s) *Lobbying.*

(1) (a) As used in this section, "County personnel" means those County officers and employees specified in Section 2-11.1(i)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

(b) As used in this section, "Lobbyist" means all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee. "Lobbyist" specifically includes the principal as well as any employee whose normal scope of employment includes lobbying activities. The term "Lobbyist" specifically excludes the following persons: attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; any person who only appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and employees of a principal whose normal scope of employment does not include lobbying activities.

(2) All lobbyists shall register with the Clerk of the Board of County Commissioners within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall:

(a) Register on forms prepared by the Clerk;

(b) State under oath his or her name, business address and the name and business address of each person or entity which has employed said registrant to lobby. If the lobbyist represents a corporation, the corporation shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five (5) percent or more ownership interest in such corporation, partnership, or trust. Registration of all lobbyists shall be required prior to January 15 of each year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for annual registration shall be four hundred and ninety dollars ($490.00). Every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection (b)(1). The registration fees required by this subsection shall be deposited by the Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Notwithstanding the foregoing, fifteen (15) percent of future funds generated by lobbyist registration fees after the effective date of this ordinance shall be deposited into a separate account, and shall be expended by the Ethics Commission for the purposes of educational outreach, the rendering of advisory opinions and enforcement of the provisions of Section 2-11.1(s) relating to lobbyists. There shall be no fee required for filing a notice of withdrawal and the Board of County Commissioners may, in its discretion, waive the registration fee upon a finding of financial hardship.

(c) Prior to conducting any lobbying, all principals must file a form with the Clerk of the Board of County Commissioners, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. The principal and the lobbyist must also submit a joint affidavit stating that the principal has not offered and the lobbyist has not agreed to accept any contingency or success fees as defined in subsection (s)(7). Failure of a principal to file the required forms may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form with the Clerk of the Board at the point in time at which a lobbyist is no longer authorized to represent the principal.

(d) Each lobbyist shall, within sixty (60) days after registering as a lobbyist, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course"). Lobbyists who have completed the initial Ethics Course mandated by the preceding sentence and have continuously registered as a lobbyist thereafter shall be required to complete a refresher Ethics Course every two years. Each lobbyist who has completed a refresher Ethics Course shall submit to the Clerk of the Board a certificate of completion within sixty (60) days after registering as a lobbyist. The Ethics Course shall include, but not be limited to, a review of the following topics: the Conflict of Interest and Code of Ethics Ordinance; the Sunshine Law; and the Public Records Law. The fee for the Ethics Course shall be one hundred dollars ($100.00). The registration fees required by this subsection shall be deposited into a separate account, and shall be expended by the Ethics Commission for Ethics Courses and related costs. The requirements of this subsection relating to the Ethics Course shall not be applicable to any municipal lobbyist in Miami-Dade County unless said municipality has adopted an ordinance providing for ethics training of lobbyists, and has entered into an interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course provided for in this subsection. The Executive Director of the Ethics Commission may waive the Ethics Course requirement for a particular lobbyist when he or she determines that the lobbyist has taken an initial or refresher Ethics Course offered by a municipality which satisfies the requirements of this subsection.

(3) (a) Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.

(b) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist. A principal of any corporation, partnership or other entity who appears as a lobbyist on behalf of that entity, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but shall not be required to pay any registration fees.

(4) Any person who only appears as a representative of a not-for-profit corporation or entity (such as a charitable organization, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees. Any principal who only appears as a representative of a certified Micro Enterprise, as defined in Section 2-8.1.1.1.1 of the Code, as a representative of a certified Level I Community Small Business Enterprise, as defined in Section 10-33.02 or as a representative of a certified Tier 1 Community Business Enterprise, as defined in Section 2-10.4.01, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.

(5) Any person who appears as a representative for an individual or firm for an oral presentation before a county certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the County, all individuals who may make a presentation. The affidavit shall be filed by staff with the Clerk's office at the time the proposal is submitted. For the purpose of this subsection only, the listed members of the presentation team shall not be required to pay any registration fees. No person shall appear before any committee on behalf of an individual or firm unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the Clerk's office and has paid all applicable fees.

(6) (a) On July 1 of each year, the lobbyist shall submit to the Clerk of the Board of County Commissioners a signed statement under oath, as provided herein, listing all lobbying expenditures in excess of twenty-five dollars ($25.00) for the preceding calendar year. A statement shall not be filed if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.

(b) The Clerk of the Board of County Commissioners shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed as provided in subsection (s)(9), a fine of fifty dollars ($50.00) per day shall be assessed for reports filed after the due date. Where a fine of fifty dollars ($50.00) per day is assessed, the Ethics Commission shall not impose a fine as provided in subsection (z). Any lobbyist who fails to file the required expenditure report by September 1 shall be automatically suspended from lobbying until all fines are paid unless the fine has been appealed to the Ethics Commission.

(c) The Clerk of the Board of County Commissioners shall notify the Commission on Ethics and Public Trust of the failure of a lobbyist or principal to file a report and/or pay the assessed fines after notification.

(d) A lobbyist or principal may appeal a fine and may request a hearing before the Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Commission on Ethics and Public Trust within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form. The Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or part, based on good cause shown. The Commission on Ethics and Public Trust shall have the authority to adopt rules of procedure regarding appeals from the Clerk of the Board of County Commissioners.

(7) No person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the County Commission; (2) any action, decision or recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee.

(8) The Clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this subsection (s). All logs required by this ordinance shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to Section 11.045, Florida Statutes.

(9) The Ethics Commission shall investigate any person engaged in lobbying activities who may be in violation of this subsection (s). In the event that a violation is found to have been committed the Ethics Commission may, in addition to the penalties set forth in subsection (z), prohibit such

person from lobbying before the County Commission or any committee, board or personnel of the County as provided herein.

Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

1st violation for a period of 90 days from the date of determination of violation;

2nd violation for a period of one (1) year from the date of determination of violation;

3rd violation for a period of five (5) years from the date of determination of violation;

A bidder or proposer shall be subject to the debarment provisions of Section 10-38 of the Code of Miami-Dade County as if the bidder or proposer were a contractor where the bidder or proposer has violated this section, either directly or indirectly or any combination thereof, on three (3) or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this section shall also render the contract voidable. The County Manager shall include the provisions of this subsection in all County bid documents, RFP, RFQ, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of such failure illegal per se.

(10) All members of the County Commission, and all County personnel, shall be diligent to ascertain whether persons required to register pursuant to this subsection have been complied. Commissioners or County personnel may not knowingly permit a person who is not registered pursuant to this subsection to lobby the Commissioner, or the relevant committee, board or County personnel.

(11) Except as otherwise provided in subsection (s)(9), the validity of any action or determination of the Board of County Commissioners or County personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this subsection (s).

(Ord. No. 86-24, § 1, 4-1-86; Ord. No. 91-22, § 1, 2-19-91; Ord. No. 92-27, § 1, 4-21-92; Ord. No. 95-21, § 1, 2-7-95; Ord. No. 98-73, § 1, 6-2-98; Ord. No. 98-76, § 1, 6-2-98; Ord. No. 00-19, § 1, 2-8-00; Ord. No. 01-93, § 1, 5-22-01; Ord. No. 01-162, § 1, 10-23-01; Ord. No. 10-03, § 1, 1-21-10; Ord. No. 10-04, § 1, 1-21-10; Ord. No. 10-34, § 1, 6-3-10; Ord. No. 10-56, § 1, 9-21-10; Ord. No. 12-10, § 1, 3-6-12; Ord. No. 12-63, § 1, 9-6-12)

(t) *Cone of Silence.*

1. Contracts for the provision of goods and service other than audit and independent private sector inspector general (IPSIG) contracts.

(a) "Cone of Silence" is hereby defined to mean a prohibition on:

(i) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the County's professional staff including, but not limited to, the County Manager and his or her staff;

(ii) Any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his or her staff;

(iii) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and any member of the selection committee therefor;

(iv) Any communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the selection committee therefor;

(v) Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the Mayor, County Commissioners and their respective staffs; and

(vi) Any communication regarding a particular RFP, RFQ, or bid between any member of the County's professional staff and any member of the selection committee therefore.

The County Manager and the Chairperson of the selection committee may communicate about a particular selection recommendation, but only after the committee has submitted an award recommendation to the manager and provided that should any change occur in the committee recommendation, the content of the communication and of the corresponding change as well as the reasons for such change shall be described in writing and filed by the Manager with the Clerk of the Board and be included in any recommendation submitted by the Manager to the Board of County Commissioners. Notwithstanding the foregoing, the Cone of Silence shall not apply to:

(i) Competitive processes for the award of CDBG, HOME, SHIP and Surtax Funds administered by the Miami-Dade County Office of Community and Economic Development and the community-based organization (CBO) competitive grant processes administered by the Park and Recreation, Library, Water and Sewer, and Solid Waste Departments, Cultural Affairs and Tourist Development Councils and the Department of Environmental Resources Management;

(ii) Communications with the County Attorney and his or her staff;

(iii) Communications between a potential vendor, service provider, bidder, consultant or lobbyist and employees of the Management and Technical Assistance Unit of the Department of Business Development regarding small business and/or minority business programs, the Community Business Enterprise and Equitable Distribution Programs;

(iv) Communications between a potential vendor, service provider, bidder, consultant or lobbyist and employees responsible for administering disadvantaged business enterprise programs in County departments receiving federal funds, provided the communications are limited strictly to matters of programmatic process or procedure;

(v) Duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the County Manager makes his or her written recommendation;

(vi) Any emergency procurement of goods or services pursuant to Administrative Order 3-2;

(vii) Communications regarding a particular RFP, RFQ or bid between any person and the Vendor Information Center staff, the procurement agent or contracting officer responsible for administering the procurement process for such RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document;

(viii) Communications between a potential vendor, service provider or bidder and employees of the Department of Procurement Management or other department identified in the solicitation document as the issuing department; and

(ix) Consultations by employees of the Department of Procurement Management with professional procurement colleagues in determining an appropriate approach or option involving a solicitation in progress.

(b) Procedure.

(i) A Cone of Silence shall be imposed upon each RFP, RFQ and bid after the advertisement of said RFP, RFQ or bid. At the time of imposition of the Cone of Silence, the County Manager or his or her designee shall provide for public notice of the Cone of Silence. The County Manager shall issue a written notice thereof to the affected departments, file a copy of such notice with the Clerk of the Board, with a copy thereof to each Commissioner, and shall include in any public solicitation for goods and services a statement disclosing the requirements of this ordinance.

(ii) The Cone of Silence shall terminate at the time the Manager makes his or her written recommendation to the County Commission; provided, however, that if the Commission refers the Manager's recommendation back to the Manager or staff for further review, the Cone of Silence shall be reimposed until such time as the Manager makes a subsequent written recommendation. The foregoing notwithstanding, for contracts and purchases which the County Manager has the delegated authority to award under Sec. 2-8.1(b) of this Code, the Cone of Silence shall terminate: (i) at the time the award recommendation letter is issued and filed with the Clerk of the Board for such contracts and purchases involving the expenditure of over one hundred thousand dollars ($100,000); (ii) at the time the written award recommendation is posted in accordance with Section III of A.O. 3-21 for such contracts or purchases involving the expenditure of over $25,000 up to $100,000; or (iii) at the time the award recommendation is issued in accordance with Section IV of A.O. 3-21 for contracts and purchases involving the expenditure of $25,000 or less.

(iii) While the Cone of Silence is in effect, County Staff shall create a written record of any oral communications with potential vendor, service provider, bidder, lobbyist, or consultant related to or regarding a solicitation, bid, proposal, or other competitive process. The record shall indicate the date of such communication, the persons to whom staff communicated, and a general summation of the communication. This subsection applies to all communications made while the Cone of Silence is in effect for a particular solicitation.

(c) Exceptions.

(i) The provisions of this ordinance shall not apply to oral communications at pre-bid conferences, oral presentations before selection committees duly noticed as a public meeting, recorded contract negotiations and contract negotiation strategy sessions in compliance with the exemption in Florida Statutes Section 286.0113, public presentations made to the Board of County Commissioners during any duly noticed public meeting or communication in writing at any time with any County employee, official or member of the Board of County Commissioners unless specifically prohibited by the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to any person upon request.

(ii) The provisions of this ordinance shall also not apply to oral communications at briefings held by county commissioners and the County Mayor or his designee, after the selection committee or other evaluating group makes its recommendation to the County Manager, provided that the briefings are not intended to influence the outcome of the selection committee or other evaluating group's recommendation to the County Manager; provided, however, that this exception shall not apply to outside groups such as lobbyists or representatives of the responding or bidding companies or entities.

2. Audit and IPSIG contracts.

(a) "Cone of Silence" is hereby defined to mean a prohibition on: (a) any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider,

bidder, lobbyist, or consultant and the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his or her staff; (b) any oral communication regarding a particular RFP, RFQ or bid between the Mayor, County Commissioners or their respective staffs and any member of the County's professional staff including, but not limited to, the County Manager and his or her staff. Notwithstanding the foregoing, the Cone of Silence shall not apply to (a) communications with the County Attorney and his or her staff; (b) communications between a potential vendor, service provider or bidder and employees of the Department of Procurement Management or other department identified in the solicitation document as the issuing department; and (c) consultations by employees of the Department of Procurement Management with professional procurement colleagues in determining an appropriate approach or option involving a solicitation in progress.

(b) Except as provided in Subsections 2(c) and 2(d) hereof, a Cone of Silence shall be imposed upon each RFP, RFQ and bid for audit and IPSIG services after the advertisement of said RFP, RFQ or bid. At the time of the imposition of the Cone of Silence, the County Manager or his or her designee shall provide for the public notice of the Cone of Silence. The Cone of Silence shall terminate when the County Manager executes a particular audit or IPSIG contract.

(c) Nothing contained herein shall prohibit any bidder or proposer: (i) from making public presentations at duly noticed pre-bid conferences or before duly noticed selection committee meetings; (ii) from engaging in recorded contract negotiations in compliance with the exemption in Florida Statutes Section 286.0113; or (iii) from communicating in writing with any County employee or official for purposes of seeking clarification or additional information from, subject to the provisions of the applicable RFP, RFQ or bid documents. Any recordings made pursuant to this section shall be made available, as a public record, upon the conclusion of the selection committee or negotiation meetings notwithstanding the elapsed time from bid or proposal opening. The bidder or proposer shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to the general public upon request.

(d) Nothing contained herein shall prohibit any lobbyist, bidder, proposer or other person or entity from publicly addressing the Board of County Commissioners during any duly noticed public meeting regarding action on any audit or IPSIG contract. The County Manager shall include in any public solicitation for auditing or IPSIG services a statement disclosing the requirements of this ordinance.

3. Penalties. In addition to the penalties provided in Subsections (s) and (v) hereof, violation of this Subsection (t) by a particular bidder or proposer shall render any RFP award, RFQ award or bid award to said bidder or proposer voidable. Any person who violates a provision of this ordinance shall be prohibited from serving on a Miami-Dade County competitive selection committee. In addition to any other penalty provided by law, violation of any provision of this ordinance by a Miami-Dade County employee shall subject said employee to disciplinary action up to and including dismissal. Additionally, any person who has personal knowledge of a violation of this ordinance shall report such violation to the State Attorney and/or may file a complaint with the Ethics Commission.

4. The requirements of Section 2-11.1(t) shall not apply to any municipality in Miami-Dade County that has adopted an ordinance providing that the cone of silence shall not apply to that municipality. Any municipality that opts out of the requirements of Section 2-11.1(t) shall provide the Ethics Commission with a copy of the ordinance.

5. Within thirty days of a recommendation from a selection committee, the County Mayor or his designee shall either appoint a negotiation committee or take other affirmative action with respect to the solicitation, including but not limited to rejection of proposals or recommendation for award. In the event that negotiations have not commenced within thirty days, or if such other affirmative action has not been taken within thirty days, the County Mayor or his designee shall

report such event, and the reasons therefore, to the Board of County Commissioners. Additionally, the County Mayor or his designee shall present the Clerk of the Board with a recommendation for award, or a recommendation to reject proposals, within ninety days from the date a selection committee makes a recommendation. In the event that the County Mayor or his designee has not provided such recommendation to the Clerk of the Board within ninety days, the County Mayor or his designee shall provide a report on the status of the solicitation to the Board of County Commissioners, including the reasons for any delay.

(Ord. No. 98-106, § 1, 7-21-98; Ord. No. 99-1, § 1, 1-21-99; Ord. No. 00-149, § 1, 11-28-00; Ord. No. 01-149, § 1, 9-25-01; Ord. No. 01-150, § 1, 9-25-01; Ord. No. 02-3, § 1, 1-29-02; Ord. No. 04-77, § 1, 4-27-04; Ord. No. 08-111, § 1, 10-7-08)

(u) *Prohibition on certain business transactions.* No person who is serving as an elected county official or a member of the staff of an elected county official, or as county manager, senior assistant to the county manager or department director shall enter into a business transaction with any person or entity that has a contract with Miami-Dade County or any shareholder, partner, officer, director or employee of said contractor, unless said business transaction is an arm's length transaction made in the ordinary course of business. The provisions of this subsection (u) shall not apply to a business transaction between an elected county official, a member of the staff of an elected county official, the county manager, a senior assistant to the county manager or a department director and a not-for-profit entity. As used herein, a "shareholder" shall mean any person owning ten (10) percent or more of the outstanding capital stock of any corporation. As used herein, "elected county official" shall mean the mayor, county commissioners and community council members. As used herein, "business transaction" shall mean any contract wherein persons either sell, buy, deal, exchange, rent, lend or barter real, personal or intangible property, money or any other thing of value, or render services for value.

(v) *Voting Conflicts.* Members of Advisory and Quasi-Judicial Boards. No person included in the terms defined in subsections (b)(3) (quasi-judicial personnel) and (b)(4) (advisory personnel) shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves, and the board member has any of the following relationships with any of the persons or entities appearing before the board: (i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or (ii) stockholder, bondholder, debtor or creditor.

(w) *Prohibition on acceptance of travel expenses from county vendors.* Notwithstanding any other provision of this section, no person included in subsections (b)(1)(Mayor and Commissioners), (b)(5)(departmental personnel) or (b)(6) (employees) shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any county contractor, vendor, service provider, bidder or proposer. The Board of County Commissioners may waive the requirements of this subsection by a majority vote of the Commission. The provisions of this subsection (w) shall not apply to travel expenses paid by other governmental entities or by organizations of which the County is a member if the travel is related to that membership.

(x) *Prohibition on county employees and departmental personnel performing contract-related duties.* No person included in subsections (b)(5)(departmental personnel) and (b)(6) (employees), who was previously employed by or held a controlling financial interest in a for-profit firm, partnership or other business entity (hereinafter "business entity") shall, for a period of two years following termination of his or her prior relationship with the business entity, perform any county contract-related duties regarding the business entity, or successor in interest, where the business entity is a county bidder, proposer, service provider, contractor or vendor. As used in this subsection (x), "contract-related duties" include, but are not limited to: service as a member of a county certification, evaluation, selection, technical review or similar committee; approval or recommendation of award of contract; contract enforcement, oversight or administration; amendment, extension or termination of contract;

or forbearance regarding any contract. Notwithstanding the foregoing, the provisions of this subsection (x) shall not apply to the County Manager or the Director of Procurement Management.

(y) *Powers and jurisdiction of Ethics Commission.* The Ethics Commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the Conflict of Interest and Code of Ethics Ordinance. Jurisdiction of the Ethics Commission shall automatically extend to Commissioners, the Mayor, autonomous personnel, quasi-judicial personnel, departmental personnel, employees, contract staff, advisory personnel, immediate family, lobbyists as defined in subsections (b) and (s) who are required to comply with the Conflict of Interest and Code of Ethics Ordinance; and any other person required to comply with the Conflict of Interest and Code of Ethics Ordinance including, but not limited to, contractors, consultants and vendors. In the event that the Ethics Commission does not assume jurisdiction as provided in the preceding sentence, the Ethics Commission may refer the complaint to the State Attorney for appropriate action. Notwithstanding the foregoing, the Ethics Commission shall not have jurisdiction to consider an alleged violation of subsection (c) if the requirements of subsection (c) have been waived for a particular transaction as provided therein.

(Ord. No. 10-48, § 1, 7-8-10)

(z) *Prohibition on participation in settlement negotiations.* Neither the Mayor, a County Commissioner nor any member of their staff shall participate in settlement negotiations of claims or lawsuits, including but not limited to contract scope or compensation adjustments involving the County without prior approval of the Board of County Commissioners.

(aa) *County Attorney's Office participation in contract adjustments.* County staff shall request the participation of the County Attorney's Office to provide legal advice regarding scope or compensation adjustments which increase by more than one million dollars ($1,000,000), the value of a construction contract or a contract involving the purchase of goods or services.

(bb) *Affidavit and Ethics Course.* Each person who is elected to serve as a member of the Board of County Commissioners or as Mayor of Miami-Dade County shall execute an affidavit, on a form prepared by the Ethics Commission, stating that he or she has read the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance and agrees to comply with the provisions of said ordinance. Each elected official covered by the requirements of this subsection shall file the required affidavit with the Ethics Commission prior to being sworn into office. Each elected official, as defined in subsection (b)(1), shall, within ninety (90) days after being sworn into office, submit to the Clerk of the Board a certificate of completion of an ethics course offered by the Miami-Dade County Commission on Ethics and Public Trust ("Ethics Course"). Each employee of the County, as defined in subsection (b)(5) and b(6), shall within one hundred and eighty (180) days of the effective date of this ordinance or within sixty (60) days after being hired by the County, submit to the Clerk of the Board a certificate of completion of an Ethics Course offered by the Miami-Dade County Commission on Ethics and Public Trust. Employees shall be required to complete a refresher Ethics Course every two years thereafter. Each employee who has completed a refresher Ethics Course shall submit to the Clerk of the Board a certificate of completion. The Ethics Course shall include, but not be limited to, a review of the following topics: the Conflict of Interest and Code of Ethics Ordinance; the Sunshine Law; the Public Records Law and the Citizens' Bill of Rights. The requirements of this subsection (bb) relating to the Ethics Course for employees shall not be applicable to any municipality in Miami-Dade County unless said municipality has adopted an ordinance providing for the Ethics Course, and has entered into an interlocal agreement with the County authorizing the Ethics Commission to provide the Ethics Course provided for in this subsection.

(Ord. No. 12-11, § 1, 3-6-12; Ord. No. 13-50, § 1, 6-4-13)

(cc) *Penalty.*

(1) *Proceeding before Ethics Commission.* A finding by the Ethics Commission that a person has violated this section shall subject said person to an admonition or public reprimand and/or a fine of five hundred dollars ($500.00) for the first such violation and one thousand dollars ($1,000.00) for each subsequent violation. Where the Ethics Commission finds that a person has intentionally violated this section and determines that a fine is appropriate, said person shall be subject to a fine of one thousand dollars ($1,000.00) for the first such violation and two thousand dollars ($2,000.00) for each subsequent violation. Actual costs incurred by the Ethics Commission, in an amount not to exceed five hundred dollars ($500.00) per violation, may be assessed where the Ethics Commission has found an intentional violation of this section. The Ethics Commission may also order the person to pay restitution when the person or a third party has received a pecuniary benefit as a result of the person's governed by an administrative order adopted by the County Commission and rules of procedure promulgated by the Ethics Commission.

(2) *Prosecution by State Attorney in State court.* Every person who is convicted of a violation of this section in State court shall be punished by a fine not to exceed five hundred dollars ($500.00) or imprisonment in the County Jail for not more than thirty (30) days, or by both such fine and imprisonment.

(Ord. No. 72-82, § 1, 11-21-72; Ord. No. 73-26, § 1, 3-20-73; Ord. No. 77-13, § 4, 3-1-77; Ord. No. 86-24, § 2, 4-1-86; Ord. No. 91-22, § 1, 2-19-91; Ord. No. 92-27, § 1, 4-21-92; Ord. No. 95-21, § 1, 2-7-95; Ord. No. 97-105, § 2, 7-8-97; Ord. No. 98-73, § 1, 6-2-98; Ord. No. 98-76, § 1, 6-2-98; Ord. No. 98-106, § 1, 7-21-98; Ord. No. 98-125, § 1, 9-3-98; Ord. No. 99-150, § 1, 11-2-99; Ord. No. 00-46, § 1, 4-11-00; 00-149, § 1, 11-28-00; Ord. No. 01-199, § 1, 12-4-01; Ord. No. 03-73, § 1, 4-8-03; Ord. No. 03-107, § 1, 5-6-03; Ord. No. 03-140, § 1, 6-3-03; Ord. No. 04-55, § 1, 3-16-04; Ord. No. 04-119, § 1, 6-8-04; Ord. No. 04-204, § 1, 12-2-04; Ord. No. 05-71, § 1, 4-5-05; Ord. No. 06-148, § 1, 10-10-06; Ord. No. 10-11, § 1, 2-2-10; Ord. No. 10-48, § 1, 7-8-10; Ord. No. 13-53, § 1, 6-4-13; Ord. No. 14-96, § 1, 10-7-14)

Editor's note— Ord. No. 72-82, § 1, amended this Code by repealing former § 2-11.1 relative to County officers and employees transacting business with the County and enacted in lieu thereof a new § 2-11.1 as herein set out. Former § 2-11.1 was derived from Ord. No. 59-44, §§ 2—5, adopted Dec. 1, 1959.

Annotations— AO 7-1; CAO's 76-8, 76-32, 76-36, 76-39, 76-43, 76-46, 76-50, 76-55, 77-1, 77-9, 77-14, 77-16, 77-19, 77-26, 77-33, 77-37, 77-40, 77-41, 77-44, 77-52, 77-53, 77-56, 77-63, 77-68, 78-2, 78-10, 78-11, 78-12, 78-17, 78-25, 78-33, 78-44, 78-47, 78-53, 78-54, 79-6, 79-7, 79-12, 79-16, 79-19, 79-32, 79-37, 80-3, 80-4, 80-11, 80-21, 80-24, 80-25, 80-28, 80-29, 81-4, 81-13, 81-18, 81-22, 81-31, 81-38, 82-1, 82-10, 82-13, 82-19, 82-24, 82-25, 82-28, 82-29, 83-2, 83-6, 83-11, 83-22, 85-8.

State Law reference— Code of ethics for public officers and employees, F.S. § 112.311 et seq.

Sec. 2-11.1.2. - Lobbying activities; approval.

(a) No person or entity, whether an individual, firm, partnership or corporation, which receives compensation from the county for lobbying on behalf of the county or any of its agencies or instrumentalities at either the state, national or municipal level shall represent any entity in any forum to support a position in opposition to a position of the county unless this Board grants a specific waiver for a specific lobbying activity.

(b) The failure of any county lobbyist to comply with the provisions of subsection (a) of this section shall result in either or both of the following:

(1) That lobbyist's contract with the county being voidable by the county;

(2) A prohibition, for a period of up to three years, as determined by the Board of County Commissioners, on the lobbyist's entering into a lobbying contract with the county.

(Ord. No. 00-64, §§ 1, 2, 5-9-00)

MIAMI-DADE COUNTY (CITY OF AVENTURA)

ARTICLE VI. - LOBBYING ACTIVITIES[7]

Footnotes:

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Editor's note— Ord. No. 2004-03, § 2, adopted Feb. 3, 2004, repealed §§ 2-371—2-374, 2-376 and 2-377 of art. VI. Section 3 of said ordinance enacted a new § 2-371 as set out herein. The former sections of art. VI pertained to definitions, registration required, registration information, annual statement of expenditures, registration forms and disclosure statements to be public records, and registration fee, respectively, and derived from Ord. No. 97-05, §§ 1—4, 6 and 7, adopted Feb. 4, 1997, and Ord. No. 99-05, § 1, adopted Apr. 6, 1999.

Cross reference— Quasi-judicial matters for planning and zoning, § 34-31 et seq.

State Law reference— Lobbyist registration and reporting, F.S. §§ 11.045 et seq., 112.3215 et seq.

Sec. 2-371. - Lobbyists.

The provisions of Section 2-11.1(s) "Lobbying," of the Miami-Dade County Code (the "County Lobbying Ordinance") as it currently exists, as set forth in Exhibit "X," set forth below and incorporated herein, is hereby adopted and shall apply within the City, except that in lieu of the fee for annual lobbyist registration which is specified by Section 2-11.1(s)(2)(b) of the County Lobbying Ordinance, the fee payable to the City for registration of each lobbyist for the representation of each principal of the lobbyist shall be $100.00 (per principal represented), and the fee payable to the City for annual lobbyist registration for each lobbyist shall be $200.00. In addition, a lobbyist shall not be required to submit a statement of lobbying expenditures, as specified in Section 2-11.1(s)(6)(a) of the County Lobbying Ordinance, for any reporting period during which the lobbyist made no lobbying expenditures. Moreover, a principal of any corporation, partnership or other entity who appears as a lobbyist on behalf of that entity to express support or opposition to any item shall register with the Clerk, as required by this subsection, but shall not be required to pay any registration fees. References in the County Lobbying Ordinance to County personnel shall be deemed to be references to City personnel who serve in comparable capacities to the County personnel referred to. References in the County Lobbying Ordinance to the County Commission or to a "County Board or Committee" shall be deemed to be references to the City Commission or to the City's Boards as applicable. This Section 2-371 shall prevail over any conflicting provision of the City Code.

Exhibit X
County Lobbying Ordinance

(s) *Lobbying.*

(1) (a) As used in this section, "County personnel" means those County officers and employees specified in Section 2-11.1(i)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance.

(b) As used in this section, "Lobbyist" means all persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the County Commission; (2) any action, decision, recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee. "Lobbyist" specifically includes the principal as well as any employee whose

normal scope of employment includes lobbying activities. The term "Lobbyist" specifically excludes the following persons: attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; any person who only appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and employees of a principal whose normal scope of employment does not include lobbying activities.

(2) All lobbyists shall register with the Clerk of the Board of County Commissioners within five business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall:

(a) Register on forms prepared by the Clerk;

(b) State under oath his or her name, business address and the name and business address of each person or entity which has employed said registrant to lobby. If the lobbyist represents a corporation, the corporation shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust. Registration of all lobbyists shall be required prior to January 15 of each year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for annual registration shall be $490.00. Every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection (b)(1). The registration fees required by this subsection shall be deposited by the Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. There shall be no fee required for filing a notice of withdrawal and the Board of County Commissioners may, in its discretion, waive the registration fee upon a finding of financial hardship.

(c) Prior to conducting any lobbying, all principals must file a form with the Clerk of the Board of County Commissioners, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. Failure of a principal to file the form required by the preceding sentence may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form with the Clerk of the Board at the point in time at which a lobbyist is no longer authorized to represent the principal.

(3) (a)
Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.

(b) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist.

(4) Any person who only appears as a representative of a not-for-profit corporation or entity (such as a charitable organization, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the Clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.

(5) Any person who appears as a representative for an individual or firm for an oral presentation before a county certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the County, all individuals who may make a presentation. The affidavit shall be filed by staff with the Clerk's office at the time the proposal is submitted. For the purpose of this subsection only, the listed members of the presentation team shall not be required to pay any registration fees. No person shall appear before any committee on behalf of an individual or firm unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the Clerk's office and has paid all applicable fees.

(6) (a) Commencing July 1, 1986, and on July 1 of each year thereafter, the lobbyist shall submit to the Clerk of the Board of County Commissioners a signed statement under oath, as provided herein, listing all lobbying expenditures in excess of twenty-five dollars ($25.00) for the preceding calendar year. A statement shall be filed even if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.

(b) The Clerk of the Board of County Commissioners shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed as provided in subsection (s)(9), a fine of $50.00 per day shall be assessed for reports filed after the due date. Where a fine of $50.00 per day is assessed, the Ethics Commission shall not impose a fine as provided in subsection (z). Any lobbyist who fails to file the required expenditure report by September 1st shall be automatically suspended from lobbying until all fines are paid unless the fine has been appealed to the Ethics Commission.

(c) The Clerk of the Board of County Commissioners shall notify the Commission on Ethics and Public Trust of the failure of a lobbyist or principal to file a report and/or pay the assessed fines after notification.

(d) A lobbyist or principal may appeal a fine and may request a hearing before the Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Commission on Ethics and Public Trust within fifteen (15) calendar days of receipt of the notification of the failure to file the required disclosure form. The Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or part, based on good cause shown. The Commission on Ethics and Public Trust shall have the authority to adopt rules of procedure regarding appeals from the Clerk of the Board of County Commissioners.

(7) No person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the County Commission; (2) any action, decision or recommendation of the County Manager or any County board or committee; or (3) any action, decision or recommendation of County personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the County Commission, or a County board or committee.

(8) The Clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this subsection (s). All logs required by this ordinance shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to Section 11.045, Florida Statutes.

(9) The Ethics Commission shall investigate any person engaged in lobbying activities who may be in violation of this subsection (s). In the event that a violation is found to have been committed the Ethics Commission may, in addition to the penalties set forth in subsection (z), prohibit such

person from lobbying before the County Commission or any committee, board or personnel of the County as provided herein. Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

1 st violation for a period of 90 days from the date of determination of violation;

2 nd violation for a period of one year from the date of determination of violation;

3 rd violation for a period of five years from the date of determination of violation;

A bidder or proposer shall be subject to the debarment provisions of Section 10-38 of the Code of Miami-Dade County as if the bidder or proposer were a contractor where the bidder or proposer has violated this section, either directly or indirectly or any combination thereof, on three or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this section shall also render the contract voidable. The County Manager shall include the provisions of this subsection in all County bid documents, RFP, RFQ, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of such failure illegal per se.

(10) All members of the County Commission, and all County personnel, shall be diligent to ascertain whether persons required to register pursuant to this subsection have been complied. Commissioners or County personnel may not knowingly permit a person who is not registered pursuant to this subsection to lobby the Commissioner, or the relevant committee, board or County personnel.

(11) Except as otherwise provided in subsection (s)(9), the validity of any action or determination of the Board of County Commissioners or County personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this subsection(s). (Ord. No. 00-19, § 1, 2-8-00; Ord. No. 01-93, § 1, 5-22-01; Ord. No. 01-162, § 1, 10-23-01; Ord. No. 03-107, § 1, 5-6-03)

(Ord. No. 2004-03, § 3, 2-3-04; Ord. No. 2015-10, § 2, 11-3-15)

Secs. 2-372—2-374. - Reserved.

Sec. 2-375. - Penalties.

(a) Whenever a violation of this article exists, the City Commission may publicly reprimand, censure and/or prohibit such lobbyist from lobbying before the City for a period of up to but not to exceed two years.

(b) The penalties provided in this section are cumulative in nature. Nothing contained in this article shall prevent the City from pursuing any other remedies available to the City under the City's Code and/or State law for the enforcement of its ordinances.

(Ord. No. 97-05, § 5, 2-4-97)

Secs. 2-376—2-390. - Reserved.

MIAMI-DADE COUNTY (CITY OF BAL HARBOUR)

ARTICLE VII. - LOBBYING

Sec. 2-301. - Lobbyists.

The provisions of section 2-11.1(s) "Lobbying" of the Miami-Dade County Code (the "County Lobbying Ordinance") as it currently exists, as set forth in Exhibit "A" attached hereto and incorporated herein, are hereby adopted and shall apply within Bal Harbour Village, except that in lieu of the fee for annual lobbyist registration which is specified by section 2-11.1(s)(2)(b) of the County Lobbying Ordinance, the fee payable to the Village for registration of each lobbyist for the representation of each principal of the lobbyist shall be $100.00 (per principal represented), and the fee payable to Village for annual lobbyist registration for each lobbyist shall be $200.00. In addition, a lobbyist shall not be required to submit a statement of lobbying expenditures, as specified in section 2-11.1(s)(6)(a) of the County Lobbying Ordinance, for any reporting period during which the lobbyist made no lobbying expenditures. References in the County Lobbying Ordinance to County personnel shall be deemed to be references to Village personnel who serve in comparable capacities to the County personnel referred to. References in the County Lobbying Ordinance to the County Commission or to a "County board or committee" shall be deemed to be references to the Village Council or to the Village's boards as applicable. Nothing in this section shall be construed to require an individual resident of the Village who is simply acting on his or her own behalf or on behalf of any group of such residents (without any compensation) to register as a lobbyist.

(Ord. No. 490, § 2, 1-20-04; Ord. No. 570, § 2, 10-15-2013)

Editor's note— Exhibit "A" is not set out herein, but is on file in the office of the Village Clerk.

Secs. 2-302—2-349. - Reserved.

MIAMI-DADE COUNTY (CITY OF CORAL GABLES)

ARTICLE V. - CONFLICT OF INTEREST AND CODE OF ETHICS[6]

Footnotes:

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State Law reference— Code of ethics for public officers and employees, F.S. § 112.311 et seq.

Sec. 2-243. - Lobbying.

(a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Expenditure: A payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.

Lobbyist: An individual, corporation, partnership, or other legal entity employed or retained, whether paid or not, by a principal who seeks to encourage the approval, disapproval, adoption, repeal, passage, defeat, or modifications of (a) any ordinance, resolution, action or decision of any city commissioner; (b) any action, decision, recommendation of the city manager, any city board or committee, including but not limited to quasijudicial, advisory board, trust, authority, or council; or (c) any action, decision or recommendation of city personnel during the time period of the entire decision-making process on the action, decision or recommendation which foreseeably will be heard or reviewed by the city commission, or a city board or committee, including but not limited to quasijudicial, advisory board, trust, authority, or council.

Person: Any individual, corporation, partnership or other legal entity or an agent or employee thereof.

Principal: The person which has employed or retained the services of a lobbyist.

(b) *Registration.* All lobbyists shall, before engaging in lobbying activities, register annually with the city clerk. Every person required to so register shall:

(1) Register on a form prepared by the city clerk;

(2) Pay an annual registration fee of $150.00; and

(3) State under oath the name and business address of the registrant; the name and business address of each principal which has employed or retained the registrant to lobby; the specific issue for which he/she has been employed or retained to lobby and the existence of any direct or indirect business association, partnership, or financial relationship with any employee of the city.

Any change to any information originally filed shall require that he/she file an amendment to the registration forms, although no additional fee shall be required for such amendment. He/she has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs. Separate annual registration shall be required for each principal represented on each specific issue. Such issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable of a pending request for a proposal, invitation to bid, or public hearing number. No additional fee shall be required for each issue.

Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal.

The registration fees required by this section shall be deposited by the city clerk for the purpose of recording, transcribing, administration, and other costs incurred in maintaining these records for availability to the public.

The city clerk shall waive the fee requirements of this section upon a finding of financial hardship, based upon the sworn statement of the applicant.

(c) *Exceptions to registration.* The following shall not be required to register under this section:

(1) Any public official or city staff discussing matters relevant to their official duties;

(2) Any person who only appears in his individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item, including but not limited to those who are members of homeowner or neighborhood associations;

(3) Any person requested to appear before the city commission, city board, committee, or any member thereof, or the city manager or city staff in a quasijudicial proceeding or any agent, attorney, officer or employee or such person;

(4) Any person under contract with the city who communicates with any public official or city staff regarding issues related only to the performance of their services under contract; and

(5) Any person who has been designated and is so recognized by the city as a representative of a collective bargaining unit composed of city employees; foreign dignitary appearing in his/her official capacity; a person who owns, publishes or is employed by a newspaper, periodical, radio station, or other bone fide news media; a person who merely appears before, the mayor, city commission, city board or committee, the city manager or city staff in an individual capacity for the purpose of self-representation.

(d) *Reporting requirements.*

(1) On October 1 of each year, lobbyists subject to the registration requirements of this section shall submit to the city clerk a signed statement under oath as provided herein listing the full name and business address of the lobbying entity; name of each of the entity's lobbyists; and all expenditures for the preceding calendar year with regard to the specific issue on which the lobbyist has been engaged to lobby. A statement shall be filed even if there have been no expenditures during the reporting period.

(2) The city clerk shall keep a current list of registered lobbyists and the reports required under this section which shall be open to the public for inspection.

(e) *Investigation of violations and penalties.* The office of the city clerk shall submit a report to the city attorney and city commission as to those lobbyists who have failed to comply with the registration and/or the annual filing requirement of this section. The office of the city attorney shall investigate any person engaged in lobbying activities which is reported to be in violation of the registration or reporting requirements. A report of the city attorney's findings shall be provided to the city commission and to the alleged violator. If the city commission finds that a person is in violation of this section, that person may be reprimanded, suspended or prohibited from lobbying before the city commission, a city board, a city committee, or members thereof, city manager or city staff for a period not to exceed two years.

(Ord. No. 2006-11, § 2, 6-6-2006)

MIAMI-DADE COUNTY (CITY OF CUTLER BAY)

ARTICLE V. - LOBBYIST REGISTRATION

Sec. 2-236. - Lobbyists and principals.

(a) All paid lobbyists, as may be defined by the Miami-Dade County Code, shall:

(1) Register with the town clerk on the proscribed disclosure form as provided by the town clerk and pay annual fees of $250.00 for each lobbyist prior to lobbying any town council member, employee, board or committee member;

(2) Disclose in writing all persons and/or entities the lobbyist is representing upon registering and update this list within ten days of being retained by a new principal or for a new project of an existing principal; and

(3) Disclose in writing all town government officials directly contacted by the lobbyist and any expenditures involved as defined by state law, before the public hearing.

The town clerk shall make available to the town council, prior to any public hearing, on the event or matter for which a registered lobbyist may appear, all disclosures required herein or as otherwise required by state or county law.

(b) Any violation of the above shall render the issue being lobbied for or sought by the principal voidable. Violation of this section shall be punishable by a fine as provided in chapter 8 in addition to any other remedies allowed by law.

(Ord. No. 07-02, § 2(A), 7-17-2007)

Sec. 2-237. - Disclosure requirements.

The following provisions related to disclosures to be made by principals at public hearings are hereby adopted:

(1) All persons or entities seeking any approval, contract, concession, license or any other relief that requires a public hearing before the town council are required to comply with the instant disclosure requirements; provided, however, that in cases in which the relief sought is related to a land use application, disclosure shall be required only by the applicant for such relief. Except to the extent such disclosure is prohibited by a confidentiality order from a court of competent jurisdiction, such persons or entities shall:

a. In all items requiring a public hearing, including land use matters, disclose in writing to the town clerk or verbally on the record at such public hearing, all moneys or compensation paid or offered to a person(s) or entity to support or not object to a matter which is set for a public hearing. Disclosure shall be required whether compensation was paid or offered to the person or entity or to a third party. Compensation includes money, property, services or any other commodity having any economic value or any promise or agreement to provide the same in the future. The disclosure shall include the name of the person or entity offered the compensation, the specific compensation offered, what the person was requested to do or refrain from doing in exchange for said compensation, and whether and to whom the compensation was paid; and

b. In all items requiring a public hearing, including land use matters, disclose in writing to the town clerk or verbally on the record at such public hearing, all moneys or compensation, as defined above, sought or requested by a person(s) or entity to support or not object to a matter which is set for a public hearing. Disclosure shall be required whether compensation was requested for or paid to the requester or a third party. The disclosure shall include the name of the person or entity seeking the compensation, the specific compensation sought,

what the person offered to do or refrain from doing in exchange for said compensation, and whether the compensation was actually paid and to whom.

(2) Any violation of the above shall render the relief or item being sought by the principal voidable by the town council. Violation of this section shall also be punishable by a civil fine of $250.00 per violation in addition to any other remedies allowed by law.

(Ord. No. 07-03, § 2(A), 7-17-2007)

Secs. 2-238—2-267. - Reserved.

MIAMI-DADE COUNTY (CITY OF GOLDEN BEACH)

ARTICLE IX. - LOBBYING

Sec. 2-309. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Expenditure: A payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a Lobbyist or Principal paid or provided directly or indirectly to or for the benefit of any elected official or Employee of the Town for the purpose of lobbying.

Lobbyist: Any individual, corporation, partnership, or other legal entity employed or retained, whether paid or not, by a Principal who seeks to encourage the approval, disapproval, adoption, repeal, passage, defeat, or modification of any ordinance, resolution, action or decision of the Town Council, or any action, decision, recommendation of any Town Board or Committee, or any action, decision or recommendation of any Town personnel during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the Town Council, or a Town Board or Committee. The term specifically includes the Principal as well as any Employee engaged in lobbying activities.

Person: Any individual, corporation, partnership or other legal entity or an agent or Employee thereof.

Principal: The Person that has employed or retained the services of a Lobbyist.

Other terms: Any other term used herein and not defined, shall have the meaning ascribed to it in the Miami-Dade County Conflict of Interest and Ethics Ordinance, as that may be amended from time to time (the "County Ordinance").

(Ord. No. 567.15, § 2, 11-17-15)

Sec. 2-310. - Registration.

All Lobbyists shall, before engaging in lobbying activities, register with the Town Clerk. Every Person required to register as a Lobbyist shall:

(1) Register on a form prepared by the Town Clerk; and

(2) File a form with the Town Clerk, signed by the Principal or the Principal's representative, stating that the Lobbyist is authorized to represent the Principal; and

(3) State under Oath the following:

a. Name and business address of the registrant;

b. The name and address of each Principal which has employed or retained the registrant to lobby;

c. The specific issue for which he/she has been employed or retained to lobby;

d. The existence of any direct or indirect business association, partnership, or financial relationship with any Employee or representative of the Town;

e. The fact that no contingent fees or contingent compensation is being paid to the Lobbyist; and

Any change to any information originally filed shall require that Person to file an amendment to the registration forms. Every Person has a continuing duty to supply information and amend the forms filed

throughout the period for which the lobbying occurs. For each separate Principal/event/occurrence or representation, an additional disclosure form shall be filed.

(Ord. No. 567.15, § 2, 11-17-15)

Sec. 2-311. - Exceptions to registration.

The following shall not be required to register under this section:

(1) Any public official or Town staff discussing matters relevant to their official duties;

(2) Any individual (citizen/resident) who only appears in his/her individual capacity or on behalf of an immediate family member for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item, including but not limited to those who are members of homeowner or neighborhood associations;

(3) Any Person who must appear or is requested to appear before the Town Council, board, committee or any member thereof, or Town staff in a quasi-judicial proceeding or any agent, attorney, Officer or Employee of such Person;

(4) A foreign dignitary appearing in his/her official capacity.

(Ord. No. 567.15, § 2, 11-17-15)

Sec. 2-312. - Reporting requirements; notice for failure to register; penalties; enforcement.

(1) *Reporting requirements.* All Lobbyists subject to registration requirements shall submit to the Town Clerk's office a signed statement under Oath listing all lobbying Expenditures for the preceding calendar year with regards to the specific issue on which the Lobbyist has been engaged to lobby. The lobbying statement shall include Expenditures for food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events. Such statement of Expenditures, entitled "Annual Expenditures Report," shall be rendered on the form provided by the Town Clerk's office and shall be open for public inspection. Such statement shall be filed by February 1st of each year, even if there have been no Expenditures during the preceding calendar year. The Lobbyist and Principal have a continuing duty to supply accurate information and amend said reports when so needed. The Town Clerk shall keep a current list and a file of registered Lobbyists and registration forms required under this section, which shall be open to the public for inspection.

(2) *Notice for failure to register.* The Town Clerk shall notify any Lobbyist (or Principal) who fails to timely file the Expenditure or fee disclosure reports referenced in subsection (1) above.

(3) *Penalties.* In addition to any other penalties which may be imposed pursuant to the Town Code of Ordinances, any Lobbyist who fails to file the required Expenditure report by April 30 shall be assessed a fine of $50.00 per day (beginning on May 1) and automatically suspended from lobbying until all fines are paid.

(4) *Enforcement.* The Council hereby delegates to the Miami-Dade Commission on Ethics the enforcement of this article and any violations thereof, including penalties as provided for under section 2-11.1(s) of the County Ordinance.

(Ord. No. 567.15, § 2, 11-17-15)

MIAMI-DADE (CITY OF HIALEAH)

ARTICLE III. - LOBBYISTS

Sec. 26-66. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Lobbyist means a person employed, paid or retained by a principal, who seeks to influence a decision of the mayor, city council, city board or committee or attempts to obtain the good will of a city official or employee. A lobbyist is not a person who merely appears before the mayor, city council, city board or committee in an individual capacity for the purpose of representing himself or others without compensation to support or oppose any ordinance, resolution, decision or action of the mayor, city council, city board or committee. A lobbyist includes paid consultants retained by an applicant or third party, attorneys, surveyors, architects or other people representing an applicant or third party before the city council or board.

Principal means the person who has employed or retained a lobbyist.

(Code 1960, § 2-171; Ord. No. 88-85, § 1, 8-9-1988; Ord. No. 99-27, § 1(4-16), 2-23-1999)

Cross reference— Definitions generally, § 1-2.

Sec. 26-67. - Registration and oath.

(a) Prior to engaging in lobbying activity, every lobbyist shall register with the city clerk's office by completing a lobbyist registration form, disclosing under oath his name and business address, as well as the name and business address of each individual who or entity that employed or retained the lobbyist to represent the individual or entity and the general and specific areas of lobbyist interest in any city matter. Separate registration forms must be completed for each principal and/or issue for which the lobbyist will be representing any principal.

(b) Every lobbyist is required to state under oath the extent of any direct or indirect business association, partnership, or financial relationship with the mayor, any member of the city council, city board, or committee before whom the lobbyist lobbies or intends to lobby.

(Code 1960, § 2-172; Ord. No. 88-85, § 2, 8-9-1988; Ord. No. 99-27, § 1(4-17), 2-23-1999)

MIAMI-DADE COUNTY (CITY OF HIALEAH GARDENS)

ARTICLE VII. - PERSONNEL

Sec. 2-308. - Lobbying.

(a) *Definitions.* For the purposes of this section, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include future tense, words in the plural number shall include the singular number and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory.

Agency means the City of Hialeah Gardens, including all elected and appointed officials, employees and persons acting on behalf of the agency.

Lobbyist means any person who, for compensation or remuneration, direct or indirect, seeks to influence the governmental decision making of the agency or seeks to encourage the passage, defeat or modification of any ordinance, resolution, contract, bid award, proposal, recommendation, action or decision of the agency.

Lobbyist does not mean:

(1) A city employee when acting in his official capacity.

(2) Any person, or its full-time employee, officer or owner who appears before the city council, city board or committee, or staff in an individual capacity for the purpose of self representation or for the representation of others without compensation or reimbursement to express support of or in opposition to any ordinance, resolution, action, recommendation or decision of any city board; or any resolution, action, recommendation or decision or recommendation of the mayor.

Person includes individual, firms, associations, joint ventures, general and limited partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(b) *Registration of lobbyist.* Commencing 15 days after the effective date of this section and continuing thereafter, all lobbyists shall, before engaging in any lobbying activities, register with the city clerk.

(c) *Registration forms.* Every person required to register as a lobbyist shall do so on forms prepared by the city clerk and shall state under oath his or her name, business address, the name and business address of each person which has employed said registrant to lobby and the specific issue on which he or she has been employed to lobby. Separate registrations shall be required for each specific issue and for each employer.

(d) *Filing and disclosure of annual expenditures.* Commencing on April 1, 2003 and on January 1 of each year thereafter, all lobbyists registered pursuant to this section shall submit to the city clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. A statement shall be filed even if there have been no expenditures during the reporting period. Annual statements shall be required until such time as the lobbyist files a notice of withdrawal of lobbying activities with the city clerk.

(e) *Penalties for violation; cumulative in nature.*

(1) Whenever a violation of this section exists, the city council may publicly reprimand, censure, and/or prohibit such lobbyist before the agency for a period of up to but not to exceed two years.

(2) The penalties provided herein are cumulative in nature. Nothing contained in this section shall prevent the agency from pursuing any other remedies available to the agency under the agency's code and/or Florida law for the enforcement of its ordinances.

(f) *Public records.* All registration forms and annual disclosure statements required by this section shall be public records subject to inspection and examination as provided for in section 119.07 of the Florida Statutes.

(g) *Lobbyist registration fee.* An annual lobbyist registration fee in the amount of $25.00 per calendar year for each lobbyist shall be paid to the city clerk at the time the lobbyist files a registration form. This fee is necessary to cover the administrative expenditures required by this section.

(Ord. No. 2003-12, 4-1-03)

MIAMI-DADE COUNTY (CITY OF HOMESTEAD)

ARTICLE XIII. - LOBBYING ACTIVITIES

Sec. 2-590. - Lobbyists.

The provisions of section 2-11.1(s) "Lobbying," of the Miami-Dade County Code (the "County Lobbying Ordinance") as it currently exists, as set forth in Exhibit "X," attached hereto and incorporated herein, is hereby adopted and shall apply within the city, except that in lieu of the fee for annual lobbyist registration which is specified by section 2-11.1(s)(2)(b) of the County Lobbying Ordinance, the fee payable to the city for registration of each lobbyist for the representation of each principal of the lobbyist shall be one hundred dollars ($100.00) (per principal represented), and the fee payable to the city for annual lobbyist registration for each lobbyist shall be two hundred dollars ($200.00). References in the County Lobbying Ordinance to county personnel shall be deemed to be references to city personnel who serve in comparable capacities to the county personnel referred to. References in the County Lobbying Ordinance to the county commission or to a "county board or committee" shall be deemed to be references to the city council or to the city's boards as applicable.

(Ord. No. 99-02-06, § 1, 2-15-99; Ord. No. 99-03-10, § 1, 3-15-99; Ord. No. 2004-02-10, §§ 2, 3, 3-1-04)

Secs. 2-591—2-593. - Reserved.

Editor's note— Ord. No. 2004-02-10, § 2, adopted Mar. 1, 2004, repealed §§ 2-591—2-593 in their entirety. Former §§ 2-591—2-593 pertained to registration required, information and annual statement of expenditures, and derived from Ord. No. 99-02-06, § 1, adopted Feb. 15, 1999.

Sec. 2-594. - Penalties.

(a) Whenever a violation of this article exists, the city council may publicly reprimand, censure and/or prohibit such lobbyist from lobbying before the city for a period of up to but not to exceed two (2) years.

(b) The penalties provided in this section are cumulative in nature. Nothing contained in this article shall prevent the city from pursuing any other remedies available to the city under the city's Code and/or state law for the enforcement of its ordinances.

(Ord. No. 99-02-06, § 1, 2-15-99; Ord. No. 2004-02-10, § 3, 3-1-04)

Secs. 2-595—2-620. - Reserved.

Editor's note— Ord. No. 2004-02-10, § 2, adopted Mar. 1, 2004, repealed §§ 2-595 and 2-596 in their entirety. Former §§ 2-595 and 2-596 pertained to registration forms, disclosure statements and registration fee, and derived from Ord. No. 99-02-06, § 1, adopted Feb. 15, 1999; and Ord. No. 01-12-37, § 1, adopted Jan. 7, 2002.

MIAMI-DADE COUNTY (CITY OF KEY BISCAYNE)

ARTICLE IX. - LOBBYING

Sec. 2-161. - Lobbyists.

The provisions of Section 2-11.1(s) "Lobbying," of the Miami-Dade County Code (the "County Lobbying Ordinance") as it currently exists, as set forth in Exhibit "A" attached to Ordinance No. 2004-4 and incorporated herein by reference, are hereby adopted and shall apply within the Village of Key Biscayne, except that in lieu of the fee for annual lobbyist registration which is specified by Section 2-11.1(s)(2)(b) of the County Lobbying Ordinance, the fee payable to the Village for registration of each lobbyist for the representation of each principal of the lobbyist shall be $100.00 (per principal represented), and the fee payable to Village for annual lobbyist registration for each lobbyist shall be $200.00. References in the County Lobbying Ordinance to County personnel shall be deemed to be references to Village personnel who serve in comparable capacities to the County personnel referred to. References in the County Lobbying Ordinance to the County Commission or to a "County board or committee" shall be deemed to be references to the Village Council or to the Village's boards, as applicable.

(Ord. No. 2004-4, § 2, 3-9-04)

Secs. 2-162—2-170. - Reserved.

MIAMI-DADE COUNTY (CITY OF MEDLEY)

ARTICLE V. - LOBBYING[5]

Footnotes:

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Editor's note—Ord. No. C-393, § 2, adopted June 1, 2015, set out provisions intended for use as §§ 2-141—2-145. For purposes of preserving the style of this Code, and at the editor's discretion, these provisions have been included as §§ 2-150—2-154.

Sec. 2-150. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Expenditure: A payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal paid or provided directly or indirectly to or for the benefit of any elected official or employee of the town for the purpose of lobbying.

Lobbyist means any individual, corporation, partnership, or other legal entity employed or retained, whether paid or not, by a principal who seeks to encourage the approval, disapproval, adoption, repeal, passage, defeat, or modification of any ordinance, resolution, action or decision of the Town Council, or any action, decision, recommendation of any town board or committee, or any action, decision or recommendation of any town personnel during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the Town Council, or a town board or committee. The term specifically includes the principal as well as any employee engaged in lobbying activities.

Other terms: Any other term used herein and not defined, shall have the meaning ascribed to it in the Miami-Dade County Conflict of Interest and Ethics Ordinance, as that may be amended from time to time (the "County Ordinance").

Person: Any individual, corporation, partnership or other legal entity or an agent or employee thereof.

Principal: The person that has employed or retained the services of a lobbyist.

(Ord. No. C-393, § 2, 6-1-2015)

Sec. 2-151. - Registration.

All lobbyists shall, before engaging in lobbying activities, register with the Town Clerk. Every person required to register as a lobbyist shall:

(1) Register on a form prepared by the Town Clerk;

(2) File a form with the Town Clerk, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal;

(3) State under oath the following:

a. Name and business address of the registrant;

b. The name and address of each principal which has employed or retained the registrant to lobby;

c. The specific issue for which he/she has been employed or retained to lobby;

d. The existence of any direct or indirect business association, partnership, or financial relationship with any employee or representative of the town;

e. The fact that no contingent fees or contingent compensation is being paid to the lobbyist; and

(4) Pay the annual registration fee of $150.00 for each lobbyist, plus an additional fee of $50.00 for each principal represented for each issue lobbied on behalf of any principal. The registration fees shall be deposited by the Town Clerk into a separate account and shall be expended for the purpose of recording, transcribing, and other administrative costs incurred in maintaining these records for availability to the public. Unexpended funds shall be transferred to the town's general revenue at the end of each fiscal year. The Town Council may, in its discretion, waive the registration fee in demonstrated instances of financial hardship. All lobbyist registrations shall expire on December 31 of each year and shall be renewed on a calendar year basis.

Any change to any information originally filed shall require that person to file an amendment to the registration forms. Every person has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs. For each separate principal/event/occurrence or representation, an additional disclosure form shall be filed.

(Ord. No. C-393, § 2, 6-1-2015)

Sec. 2-152. - Exceptions to registration.

The following shall not be required to register under this section:

(1) Any public official or town staff discussing matters relevant to their official duties;

(2) Any individual (citizen/resident) who only appears in his/her individual capacity or on behalf of an immediate family member for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item, including but not limited to those who are members of homeowner or neighborhood associations;

(3) Any person who must appear or is requested to appear before the Town Council, board, committee or any member thereof, or town staff in a quasi-judicial proceeding or any agent, attorney, officer or employee of such person; and

(4) A foreign dignitary appearing in his/her official capacity.

(Ord. No. C-393, § 2, 6-1-2015)

Sec. 2-153. - Exemptions from fee payment.

The following shall be required to register but shall be exempt from paying any registration fees:

(1) Any person appearing before the Town Council, committee, or board on behalf of the community's interest, as a volunteer and without compensation, representing the position of a bona fide community organization such as a taxpayers association, a civic or homeowners' association, a public interest group or a chamber of commerce.

(2) Any non-profit community based organization seeking grant services and/or grant funding from the town.

(Ord. No. C-393, § 2, 6-1-2015)

Sec. 2-154. - Reporting requirements; notice for failure to register; penalties; enforcement.

(a) *Reporting requirements.* All lobbyists subject to registration requirements shall submit to the Town Clerk's office a signed statement under oath listing all lobbying expenditures for the preceding calendar year with regards to the specific issue on which the lobbyist has been engaged to lobby. The lobbying statement shall include expenditures for food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events. Such statement of expenditures, entitled "Annual Expenditures Report," shall be rendered on the form provided by the Town Clerk's office and shall be open for public inspection. Such statement shall be filed by February 1 of each year, even if there have been no expenditures during the preceding calendar year. The lobbyist and principal have a continuing duty to supply accurate information and amend said reports when so needed. The Town Clerk shall keep a current list and a file of registered lobbyists and registration forms required under this section, which shall be open to the public for inspection.

(b) *Notice for failure to register.* The Town Clerk shall notify any lobbyist (or principal) who fails to timely file the expenditure or fee disclosure reports referenced in subsection (a) above.

(c) *Penalties.* In addition to any other penalties which may be imposed pursuant to the Town Code, any lobbyist who fails to file the required expenditure report by April 30 shall be assessed a fine of $50.00 per day (beginning on May 1) and automatically suspended from lobbying until all fines are paid.

(d) *Enforcement.* The Council hereby delegates to the Miami-Dade Commission on Ethics the enforcement of this article and any violations thereof, including penalties as provided for under section 2-11.1(s) of the county ordinance.

(Ord. No. C-393, § 2, 6-1-2015)

MIAMI-DADE COUNTY (CITY OF MIAMI)

ARTICLE VI. - LOBBYISTS

Sec. 2-651. - Applicability.

Notwithstanding any provision in the Code of the city, as amended, to the contrary, the following shall be applicable in the city.

(Ord. No. 10087, § 1, 3-18-86; Code 1980, § 2-311)

Sec. 2-652. - Penalty.

Any person in violation of any provision of this article shall be subject to the penalty as provided in section 1-13.

(Ord. No. 10087, § 3, 3-18-86; Code 1980, § 2-312)

City Code cross reference— General penalty, § 1-13.

Sec. 2-653. - Definitions.

As used in this article:

Compensation means money or anything of value or financial benefit received in return for the performance of lobbying activities.

Contingency fee means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment, defeat, modification, or other outcome of any ordinance, resolution or action of the city commission or any resolution, action, recommendation or decision of any city board or of the city manager or city staff.

Expenditure means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.

Government employee means any agent of government, whether elected, appointed or hired, paid or unpaid, who is acting on behalf of the United States, the State of Florida, or any agency, political subdivision, special district, county or municipality of the State of Florida.

Lobbyist means all paid persons, firms, corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modification of any ordinance, resolution, action or decision of the city commission; or any resolution, action, decision or recommendation of any city board or committee; or any action, decision, or recommendation of the city manager during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be reviewed by the city commission, or a city board or committee.

Lobbyist also means any member of the staff of the "lobbyist" (as defined hereinabove) who receives for himself or herself any compensation, remuneration or expenses for conducting lobbying activities.

Lobbyist does not mean an attorney who is a member of the Florida Bar representing a client in enforcement proceedings before the code enforcement board, or before the nuisance abatement board, or disciplinary or grievance proceedings before the civil service board.

Lobbyist does not mean a city employee when acting in his official capacity, or a city consultant when acting in such capacity.

Lobbyist does not mean a government employee acting in his/her official capacity.

Lobbyist does not mean a foreign dignitary appearing in his/her official capacity.

Lobbyist does not mean a person who owns, publishes or is employed by a newspaper, periodical, radio station, television station or other bona fide news media.

Lobbyist does not mean a person who merely appears before the mayor, city commission, city board or committee, the city manager or city staff in an individual capacity for the purpose of self-representation to express support for or opposition to any ordinance, resolution, decision or action of the city commission; or any resolution, action, recommendation or decision of any city board or committee; or any action, decision or recommendation of the mayor, city manager or city staff.

Lobbyist does not mean a person appearing solely to provide factual information requested by the mayor, a member of the city commission or a city board.

Principal means the person, firm, corporation, or other entity, whether for profit or nonprofit, which has retained a lobbyist.

(Ord. No. 10087, § 2(a)(1), (2), 3-18-86; Ord. No. 10181, § 1, 11-13-86; Ord. No. 10478, § 1, 9-8-88; Code 1980, § 2-313; Ord. No. 11469, § 2, 3-20-97; Ord. No. 11527, § 2, 7-24-97; Ord. No. 11564, § 4, 10-28-97)

City Code cross references— Code enforcement board, § 2-812 et seq.; civil service board, § 40-66 et seq.

Sec. 2-654. - Registration; fee; disclosure requirements; log of registered lobbyists; exemptions from payment of fee; failure to register.

(a) A person may not lobby a city official, a city board member, the city manager or city staff, until such person has registered as a lobbyist with the city clerk and submitted a certificate of completion, of an ethics course provided by the Miami-Dade County Commission on Ethics Public Trust or the city completed no more than one year prior to registering. Such registration shall be due upon initially being retained as a lobbyist by a principal, prior to any type of lobbying activity, and shall be renewed on a yearly basis thereafter. The annual registration fee for each lobbyist shall be $525.00 as an initial registration fee, plus an additional fee of $105.00 for each principal represented for each issue lobbied on behalf of any one principal. The registration fees required by this section shall be deposited by the city clerk into a separate account and shall be expended for purposes of recording, transcription, administration and/or any other associated costs incurred in maintaining these records for availability to the public. The city commission may, in its discretion, waive the registration fee in demonstrated instances of financial hardship. Regardless of the date of the initial registration, all lobbyists' registrations shall expire December 31 of each calendar year, and shall be renewed on a calendar year basis.

(b) Every person required to register as a lobbyist shall:

(1) Register on forms prepared by the city clerk;

(2) Pay an initial registration fee of $525.00, plus an additional fee of $105.00 for each principal represented and for each issue the lobbyist has been retained to lobby on behalf of any one principal; and

(3) Disclose, under oath, the following information:

a. Lobbyist's name and business address;

b. Name and business address of each principal represent;

c. The specific issue on which he or she has been retained to lobby; and

d. If the lobbyist represents a corporation, partnership or trust, the name and business address of the chief officer, partner or beneficiary of the corporation, partnership or trust and the names and addresses of all persons holding, directly or indirectly, at least five percent ownership interest in said corporation, partnership or trust. A separate registration form shall be filed by the lobbyist and an additional fee of $105.00 shall be paid for each principal represented and for each issue the lobbyist has been retained to lobby on behalf of any one principal. Such issue shall be described with as much detail as is practical, including, though not limited to: a specific description (where applicable) of a pending request for proposals, invitation to bid, ordinance, resolution, or a given item on the agenda. The city clerk or the clerk's designee shall reject any registration statement which does not provide a clear description of the specific issue on which such lobbyist has been retained to lobby. Lobbyists shall register on or before April 1, 1997, and yearly thereafter, in accordance with the provisions of this section.

(c) In addition, every registrant shall be required to state under oath the existence of any direct or indirect business association, partnership, or financial relationship with the mayor, any member of the city commission, any member of a city board, the city manager or a member of the city staff before whom he lobbies, or intends to lobby.

(d) The city clerk shall maintain a log, which shall be updated on a quarterly basis by April 15, July 15, October 15 and January 15 of each year, reflecting the lobbyist registrations filed in accordance with this section and shall be distributed to the mayor and city commission.

(e) The mayor, all members of the city commission, of city boards, the city manager and city staff shall be diligent to ascertain that persons required to register pursuant to this section have complied, by requesting record of compliance from the city clerk. The mayor, members of the city commission, of city boards the city manager and city staff may not knowingly permit a person who is not registered pursuant to this section to lobby.

(f) Each person who withdraws as a lobbyist for a particular principal shall file an appropriate notice of withdrawal concerning representation for that principal. There shall be no fee required for filing a notice of withdrawal.

(g) The validity of any action or determination of the city commission or any other city board or committee shall not be affected by the failure of any person to comply with the provisions of this section.

(h) The following persons shall be required to register but will be exempt from paying the registration fee:

(1) A person who, pursuant to the terms of a collective bargaining agreement, has been designated and is so recognized by the city as a representative of a collective bargaining unit composed of city employees;

(2) A person(s) appearing before the commission, committee, or board on behalf of the community's interest, as a volunteer and without compensation, representing the position of a bona fide community organization such as a taxpayers' association, a civic or homeowners' association, a public interest group, a chamber of commerce, or a merchants' assocation.

(i) All registration forms shall be open to the public upon the filing thereof.

(Ord. No. 10087, § 2(a)(3), (b)—(d), 3-18-86; Ord. No. 10181, § 1, 11-13-86; Code 1980, § 2-314; Ord. No. 11469, § 2, 3-20-97; Ord. No. 11564, § 4, 10-28-97; Ord. No. 13125, § 2, 1-14-10; Ord. No. 13141, § 1, 2-11-10; Ord. No. 13142, § 2, 2-11-10)

Editor's note— Ord. No. 13141, § 1, adopted February 11, 2010, changed the title of section 2-654 from "Registration; fee; disclosure requirements; log of registered lobbyists; exemptions

from payment of fee" to "Registration; fee; disclosure requirements; log of registered lobbyists; exemptions from payment of fee; failure to register."

Sec. 2-655. - Annual expenditures report.

A lobbyist shall annually submit to the city clerk's office a signed statement under oath listing all lobbying expenditures and the sources from which funds for making lobbying expenditures have come. The lobbying expenditures shall include, but not be limited to: meals, entertainment and gifts for public officers and employees for the preceding calendar year. Lobbying expenditures shall not include the lobbyist's own personal expenses for lodging, meals, travel, salary, and office expenses. Such statement of expenditures, entitled "Annual Expenditures Report" shall be due on January 15 of each year. Such statement shall be rendered on the form provided by the city clerk's office and shall be open to public inspection. Such statement shall be filed, even if there have been no expenditures during the preceding calendar year.

(Ord. No. 10087, § 2(e), 3-18-86; Ord. No. 10611, § 1, 7-13-89; Code 1980, § 2-316; Ord. No. 11469, § 2, 3-20-97)

Sec. 2-656. - Advisory opinions.

(a) A lobbyist, when in doubt about the applicability and interpretation of this article in a particular context, shall submit in writing the facts for an advisory opinion by the city attorney. The city attorney shall render advisory opinions to any lobbyist who seeks advice as to whether the facts in a particular case would constitute a violation of this section. All advisory opinions of the city attorney shall be numbered, dated and furnished to the city clerk's office and shall be open to public inspection.

(b) The city clerk's office shall keep all advisory opinions of the city attorney relating to lobbyists and lobbying activities, as well as a current list of registered lobbyists and their respective reports required under this article, all of which shall be open for public inspection.

(Ord. No. 10087, § 2(f), (g), 3-18-86; Code 1980, § 2-317)

Sec. 2-657. - Penalties for violations.

(a) Any lobbyist who fails to file the annual expenditures report by the January 15 deadline each calendar year shall be subject to a fine of $25.00.

(b) Upon verification of a lobbyist's failure to file the annual expenditures report, the city clerk shall notify the lobbyist by certified mail that the annual expenditures report must be filed within five business days following receipt of the notice. The name of any lobbyist who fails to comply with said requirement shall be automatically removed from the list of active lobbyists. Should said person wish to re-register as a lobbyist, he/she shall submit a new registration form accompanied by a $525.00 registration fee plus any and all outstanding fines accrued prior to re-registration.

(c) The city clerk shall submit a report to the city commission as to those lobbyists who have failed to comply with registration and/or the annual filing requirement of this section.

(Ord. No. 10087, § 2(h), 3-18-86; Code 1980, § 2-318; Ord. No. 11469, § 2, 3-20-97; Ord. No. 13246, § 2, 1-13-11)

Sec. 2-658. - Contingency fees.

No person shall retain or employ a lobbyist for compensation based on a contingency fee, and no person shall accept any such employment or render any service for compensation based on a contingency fee.

(Ord. No. 11469, § 2, 3-20-97)

Secs. 2-659—2-690. - Reserved.

MIAMI-DADE COUNTY (CITY OF MIAMI BEACH)

DIVISION 3. - LOBBYISTS

Sec. 2-481. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advisory personnel means the members of those city boards and agencies whose sole or primary responsibility is to recommend legislation or give advice to the city commissioners.

Autonomous personnel includes but is not limited to the members of the housing authority, personnel board, pension boards, and such other autonomous or semi-autonomous authorities, boards and agencies as are entrusted with the day-to-day policy setting, operation and management of certain defined functions or areas of responsibility.

Commissioners means the mayor and members of the city commission.

Community based organization means a not-for-profit association or corporation organized under state or local law to engage in community development activities (including, but not limited to, housing and economic development activities) and has as its primary purpose the improvement of the physical, economic or social environment by addressing one or more of the critical needs of the area, with particular attention to the needs of people with low or moderate incomes.

Departmental personnel means the city manager, all assistant city managers, all department heads, the city attorney, chief deputy city attorney and all assistant city attorneys; however, all departmental personnel when acting in connection with administrative hearings shall not be included for purposes of this division.

Lobbyist means all persons employed or retained, whether paid or not, by a principal who seeks to encourage the passage, defeat or modification of any ordinance, resolution, action or decision of any commissioner; any action, decision, recommendation of the city manager or any city board or committee; or any action, decision or recommendation of any city personnel defined in any manner in this section, during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the city commission, or a city board or committee. The term specifically includes the principal as well as any employee engaged in lobbying activities. The term "lobbyist" specifically excludes the following persons:

> Expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; and any person who only appears as a representative of not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance.

The persons specifically excluded above from the definition of "lobbyist" shall, prior to communicating with subject city personnel, disclose in writing to the city clerk, their name, address, and principal on whose behalf they are communicating.

Neighborhood association means an organization of residential homeowners and tenants created to address quality of life issues in a defined neighborhood or community.

Quasi-judicial personnel means the members of the planning board, the board of adjustment and such other boards and agencies of the city that perform such quasi-judicial functions. The nuisance abatement board, special master hearings and administrative hearings shall not be included for purposes of this division as to those individuals compelled to appear before said agencies.

(Ord. No. 92-2777, §§ 1, 2, 3-4-92; Ord. No. 92-2785, §§ 1, 2, 6-17-92; Ord. No. 2004-3435, § 1, 2-4-04)

Cross reference— Definitions generally, § 1-2.

Sec. 2-482. - Registration; disclosures.

(a) All lobbyists shall, before engaging in any lobbying activities, register with the city clerk. Every person required to register shall register on forms prepared by the clerk, pay a registration fee of $350.00, as specified in appendix A and state under oath:

(1) His name;

(2) His business address;

(3) The name and business address of each person or entity which has employed the registrant to lobby;

(4) The commissioner or personnel sought to be lobbied, and whether the lobbyist has entered into any contractual relationship (paid or unpaid) with said city commissioner or personnel from 12 months preceding such person's commencement of service with the city to the present date, stating the general nature of the subject contractual relationship.

a. A lobbyist who has within the past election cycle provided campaign consulting services to an incumbent member of the City Commission shall disclose such particular service on his/her lobbyist registration form and shall orally disclose such particular service before lobbying the City Commission at a public meeting.

b. For purposes of subsection (4)a., above, the following definitions shall apply:

Campaign consulting services means primary responsibility for campaign management or campaign strategy.

Campaign management means conducting, coordinating or supervising a campaign to elect a candidate.

Campaign strategy means formulation of plans for the election of a candidate.

Candidate shall have the meaning ascribed to such term in F.S. § 97.021(5), as amended and supplemented.

Past election cycle means the immediately preceding City of Miami Beach election held for the purpose of electing a member of the City Commission.

(5) The specific issue on which he has been employed to lobby; and

(6) The terms and amount of compensation to be paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged to lobby.

Cross reference— List of expenditures; fee disclosure; reporting requirements, § 2-485.

(b) Any change to any information originally filed, or any additional city commissioner or personnel who are also sought to be lobbied shall require that the lobbyist file an amendment to the registration forms, although no additional fee shall be required for such amendment. The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs.

(c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons

holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.

(d) Separate registration shall be required for each principal represented on each specific issue. Such issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable of a pending request for a proposal, invitation to bid, or public hearing number.

(e) Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal.

(f) In addition to the $350.00 per issue registration fee required in subsection (a) of this section, annual registration of all lobbyists shall be required for each 12-month period commencing October 1 of each year, and the fee for such annual registration shall be $500.00, as specified in appendix A.

(g) Every registrant shall be required to state the extent of any business, financial, familial or professional relationship, or other relationship giving rise to an appearance of an impropriety, with any current city commissioner or city personnel who is sought to be lobbied as identified on the lobbyist registration form filed.

(h) The registration fees required by subsections (a) and (f) of this section shall be deposited by the clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration, and other costs incurred in maintaining these records for availability to the public. There shall be no fee required for filing a notice of withdrawal, and the city commission may in its discretion, waive the registration fee upon a finding of financial hardship. Prior to conducting any lobbying, all principals must file a form with the city clerk, signed by the principal or the principal's representative, stating under oath that the lobbyist is authorized to represent the principal. Failure of a principal to file the form required by the preceding sentence may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form under oath with the city clerk at the point in time at which a lobbyist is no longer authorized to represent the principal. Any person (except those exempt from the definition of "lobbyist" as set forth in section 2-481 above) who only appears as a representative of a not-for-profit corporation or entity without special compensation or reimbursement for the appearance, whether direct or indirect to express support of or opposition to any item, shall register with the clerk as required by this section but, shall not be required to pay any registration fees. Copies of registration forms shall be furnished to each commissioner or other personnel named on the forms.

(i) All members of the city commission and all city personnel shall be diligent to ascertain whether persons required to register pursuant to this section have complied. Commissioners or city personnel may not knowingly permit themselves to be lobbied by a person who is not registered pursuant to this section to lobby the commissioner or the relevant committee, board or city personnel.

(j) The city clerk shall publish logs on a quarterly and annual basis reflecting the lobbyist registrations filed. All logs required by this section shall be prepared in a manner substantially similar to the logs prepared for the state legislature pursuant to F.S. § 11.045.

(Ord. No. 92-2777, § 3, 3-4-92; Ord. No. 92-2785, § 3, 6-17-92; Ord. No. 2000-3243, § 1, 5-10-00; Ord. No. 2004-3435, § 1, 2-4-04; Ord. No. 2008-3600, § 1, 3-12-08; Ord. No. 2009-3650, § 1, 9-24-09; Ord. No. 2010-3689, § 1, 9-15-10; Ord. No. 2016-4024, § 1, 7-13-16)

Sec. 2-483. - Exceptions to registration.

(a) Any public officer, employee or appointee or any person or entity in contractual privity with the city who only appears in his official capacity shall not be required to register as a lobbyist.

(b) Any person who only appears in his individual capacity, for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item, shall not be required to register as a lobbyist, including but not limited to those who are

members of homeowner or neighborhood associations. All speakers shall, however, sign up on forms available at the public hearing. Additionally, any person requested to appear before any city personnel, board or commission, or any person compelled to answer for or appealing a code violation, a nuisance abatement board hearing, a special master hearing or an administrative hearing shall not be required to register, nor shall any agent, attorney, officer or employee of such person.

(Ord. No. 92-2777, §§ 4, 5, 3-4-92; Ord. No. 92-2785, §§ 4, 5, 6-17-92; Ord. No. 2004-3435, § 1, 2-4-04)

Sec. 2-484. - Sign-in logs.

In addition to the registration requirements addressed above, all city departments, including the offices of the mayor and city commission, the offices of the city manager, and the offices of the city attorney, shall maintain signed sign-in logs for all noncity employees or personnel for registration when they meet with any personnel as defined in section 2-481.

(Ord. No. 92-2785, § 6, 6-17-92)

Sec. 2-485. - List of expenditures; fee disclosure; reporting requirements.

(a) On February 28 [1] of each year, lobbyists subject to lobbyist registration requirements shall submit to the city clerk a signed statement under oath as provided herein listing all lobbying expenditures, as well as compensation received, for the preceding calendar year with regard to the specific issue on which the lobbyist has been engaged to lobby. A statement shall be filed even if there have been no expenditures or compensation during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.

(b) Each lobbyist and his/her principal shall, before engaging in any lobbying activities, submit to the city clerk a joint signed statement under oath disclosing the terms and amount of compensation to be paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged to lobby. If no compensation will be paid concerning the subject lobby services, a statement shall nonetheless be filed reflecting as such.

(c) Any change to information originally filed shall require that the lobbyist (and principal under subsection (b) above) file, within three business days from such changed circumstances, a signed statement under oath amending the above-referenced reports; additionally, in the event official action on the specific lobbied issue is scheduled to occur during said three day period, the lobbyist and principal shall prior to said official action, further disclose the amendment by publicly stating on the record at which the official action is to occur the subject amendment. The lobbyist and principal have a continuing duty to supply accurate information and amend said reports when so needed.

(d) The city clerk shall notify any lobbyist (or principal) who fails to timely file the expenditure or fee disclosure reports referenced in sections (a) and (b) above. In addition to any other penalties which may be imposed as provided in section 2-485.1, a fine of $50.00 per day shall be assessed for reports filed after the due date. Any lobbyist who fails to file the required expenditure report by April 30 shall be automatically suspended from lobbying until all fines are paid, unless the fine has been appealed to the Miami Dade County Ethics Commission.

(e) The city clerk shall notify the Miami-Dade County Commission on Ethics and Public Trust of the failure of a lobbyist (or principal) to file either of the reports referenced above and/or pay the assessed fines after notification.

(f) A lobbyist (or principal) may appeal a fine and may request a hearing before the Miami-Dade Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Miami-Dade Commission on Ethics and Public Trust within 15 calendar days of receipt of the

notification of the failure to file the required disclosure form. The Miami-Dade Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or in part, based on good cause shown.

(Ord. No. 92-2777, § 6, 3-4-92; Ord. No. 92-2785, § 7, 6-17-92; Ord. No. 2000-3243, § 1, 5-10-00; Ord. No. 2002-3363, § 1, 5-8-02; Ord. No. 2002-3376, § 1, 7-31-02; Ord. No. 2004-3435, § 1, 2-4-04; Ord. No. 2010-3689, § 2, 9-15-10)

[1] For purposes of transitioning this change of date and related lobbyist responsibility to timely file disclosure reports as required hereinabove, reports for calendar years 2009 and 2010 shall be submitted to the city clerk by February 28, 2011, with subsequent years' reports to be filed with the city clerk by February 28 of each respective following year, as set forth in [subsection] (a) above.

Sec. 2-485.1. - Penalties.

(a) A finding by the Miami-Dade County Commission on Ethics and Public Trust that a person has violated this division shall subject said person to those penalties set forth within subsections 2-11.1(s) and (z) of the Metropolitan Dade County Code, said penalties including admonition, public reprimand, fines, as well as prohibitions from registering as a lobbyist or engaging in lobbying activities before the city.

Also, a bidder or proposer shall be subject to the debarment provisions of chapter 2, division 5 of this Code as if the bidder or proposer were a contractor where the bidder or proposer has violated this division either directly or indirectly or any combination thereof, on three or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this division shall also render the contract voidable. The city manager shall include the provisions of this subsection in all city bid documents, RFP, RFQ, RFLI; provided, however, that failure to do so shall not render any contract entered into as the result of such failure illegal per se.

(b) Except as otherwise provided in subsection (a) herein, the validity of any action or determination of the city commission or city personnel, board or committee, shall not be affected by the failure of any person to comply with the provisions of this division.

(Ord. No. 2000-3243, § 1, 5-10-00; Ord. No. 2004-3435, § 1, 2-4-04)

Sec. 2-485.2. - Prohibited lobbying activities.

Any person or entity retained as a lobbyist by the city is prohibited from lobbying any city officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFO, RFLI, bid, request for ruling or other determination, contract or controversy on behalf of a third party for the length of the contract or other agreement between the lobbyist and the city.

(Ord. No. 2002-3364, § 1, 5-8-02)

Editor's note— Ord. No. 2002-3364, § 1, adopted May 8, 2002, enacted provisions intended for use as § 2-485A. To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as § 2-485.2.

Sec. 2-485.3. - Contingency fee prohibited.

No person or entity may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of:

(1) An ordinance, resolution, action or decision of the city commission;

(2) Any action, decision or recommendation of the city manager or any city board or committee; or

(3) Any action, decision or recommendation of city personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the city commission, or a city board or committee.

(Ord. No. 2002-3365, § 1, 5-8-02; Ord. No. 2004-3435, § 1, 2-4-04)

Editor's note— Ord. No. 2002-3365, § 1, adopted May 8, 2002, enacted provisions intended for use as § 2-485B. To preserve the style of this Code, and at the discretion of the editor, said provisions have been redesignated as § 2-485.3.

MIAMI-DADE COUNTY (MIAMI GARDENS)

PART 1 CHAPTER

ARTICLE VII. - GENERAL PROVISIONS

Section 7.6. - Lobbyists.

(A) The City Council shall pass, maintain and enforce an ordinance, which requires all lobbyists as may be defined by the Miami-Dade County Code and/or as may be made more stringent by the City Council to:

(1) Register with the City Clerk prior to lobbying any City government official i.e., City Council member, City Manager, employee, board or committee member;

(2) Disclose in writing all persons and/or entities the lobbyist is representing and submit a letter of permission from said person or entity;

(3) Submit a full disclosure of the comprehensive terms of all compensation or consideration the lobbyist is being paid for such activities;

(4) Disclose in writing all City government officials directly contacted by the lobbyist, any expenditures involved, any fundraising or campaign contributions made directly or indirectly by the lobbyist to any City government officials or on their behalf;

(5) Direct the City Clerk to disseminate to the City Council, prior to any public hearing on the event or matter for which such lobbyist may appear all disclosures required herein or as otherwise required by State or County law;

(6) The City shall develop appropriate sanctions for violations of this section, including but not limited to rendering the issue being lobbied voidable.

(B) Elected officials shall be prohibited for one (1) year following their term of office from lobbying on behalf of another, any elected official, employee or appointed board or committee member.

CHAPTER 2 – ADMINISTRATION

ARTICLE VII. - LOBBYISTS[13]

Footnotes:

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Charter reference— Lobbyists, § 7.6.

Sec. 2-554. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advisory personnel means the members of those city boards and agencies whose sole or primary responsibility is to recommend legislation or give advice to the city council members.

City council members means the mayor and members of the city council.

Community-based organization means a not-for-profit association or corporation organized under state or local law to engage in community development activities (including, but not limited to, housing and economic development activities) and has as its primary purpose the improvement of the physical, economic or social environment by addressing one or more of the critical needs of the area, with particular attention to the needs of people with low or moderate incomes.

Departmental personnel means the city manager, the deputy city manager, all assistant city managers, all department heads, division heads, the city attorney and all assistant city attorneys, the city clerk and the deputy city clerk; however, all departmental personnel when acting in connection with administrative hearings shall not be included for purposes of this division.

Homeowner/neighborhood association means an organization of residential homeowners and tenants created to address quality-of-life issues in a defined neighborhood or community.

Lobbyist.

(1) The term "lobbyist" means all persons employed or retained, whether paid or not, by a principal who seeks to encourage:

   a. The passage, defeat or modification of any ordinance, resolution, action or decision of any city council member;

   b. Any action, decision, recommendation of the city manager or any city board or committee; or

   c. Any action, decision or recommendation of any city personnel;

   defined in any manner in this section, during the time period of the entire decision-making process on such action, decision or recommendation that foreseeably will be heard or reviewed by the city council, or a city board or committee.

(2) The term "lobbyist" specifically excludes the principal as well as any employee of the principal engaged in lobbying activities. The term shall also exclude the following persons:

   a. Expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; and any person who only appears as a representative of a not-for-profit community-based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance;

   b. Any public officer, employee or appointee or any person or entity in contractual privity with the city who only appears in his/her official capacity shall not be required to register as a lobbyist;

   c. Any person who only appears in his/her individual capacity, for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item, shall not be required to register as a lobbyist, including, but not limited to, those who are members of homeowner or neighborhood associations.

Quasi-judicial personnel means the city council and such other boards and agencies of the city that perform such quasi-judicial functions. Code enforcement hearings and other administrative hearings shall not be included for purposes of this division.

(Ord. No. 2007-09-115, § 3(1), 4-25-2007)

Sec. 2-555. - Registration.

(a) All lobbyists shall, before engaging in any lobbying activities, register with the city clerk. Every person required to register shall register on forms prepared by the city clerk, pay a one-time annual registration fee of $250.00, and state under oath:

(1) His/her name;

(2) His/her business address;

(3) The name and business address of each person or entity which has employed the registrant to lobby;

(4) The city council member or personnel sought to be lobbied;

(5) The specific issue on which he/she has been employed to lobby; and

(6) The terms and amount of compensation to be paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged to lobby.

(b) Any change to any information originally filed, or any additional city council member or personnel who are also sought to be lobbied, shall require that the lobbyist file an amendment to the registration forms, although no additional fee shall be required for such amendment. The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs.

(c) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust.

(d) Separate registration shall be required for each principal represented on each specific issue. However, a separate fee shall not be required for each principal. Such issue shall be described with, as much detail as is practical, including, but not limited to, a specific description where applicable of a pending request for a proposal, invitation to bid, or public hearing number.

(e) Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal.

(f) All lobbyists shall be required to register prior to October 1 of each year. In the event registration occurs after October 1, the registration fee shall not be prorated, and a new registration fee shall be due and owing as of September 30 of each year.

(g) Every registrant shall be required to state the extent of any business, financial, familial or professional relationship, or other relationship giving rise to an appearance of an impropriety, with any current city council member or city personnel who is sought to be lobbied as identified on the lobbyist registration form filed.

(h) The registration fees required by subsections (a) and (f) of this section shall be deposited by the city clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration, and other costs incurred in maintaining these records for availability to the public. There shall be no fee required for filing a notice of withdrawal, and the city council may in its discretion waive the registration fee upon a finding of financial hardship.

(i) Prior to conducting any lobbying, all principals must file a form with the city clerk, signed by the principal or the principal's representative, stating under oath that the lobbyist is authorized to represent the principal. Failure of a principal to file the form required by the preceding sentence may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form under oath with the city clerk at the point in time at which a lobbyist is no longer authorized to represent the principal. Any person (except those exempt from the definition of lobbyist as set forth in section 2-554) who only appears as a representative of a not-for-profit corporation or entity without special compensation or reimbursement for the appearance, whether direct or indirect, to express support of or opposition to any item, shall register with the city clerk as required by this section but, shall not be required to pay any registration

fees. Copies of registration forms shall be furnished to each city council member or other personnel named on the forms.

(j) All members of the city council and all city personnel shall be diligent to ascertain whether persons required to register pursuant to this section have complied. City council members or city personnel may not knowingly permit themselves to be lobbied by a person who is not registered pursuant to this section to lobby the city council member or the relevant committee, board or city personnel.

(k) The city clerk shall publish logs on a quarterly and annual basis reflecting the lobbyist registrations filed. All logs required by this section shall be prepared in a manner substantially similar to the logs prepared for the state legislature pursuant to F.S. § 11.045.

(Ord. No. 2007-09-115, § 3(2), 4-25-2007)

Sec. 2-556. - List of expenditures; fee disclosure; reporting requirements.

(a) On or before October 1 of each year, lobbyists subject to lobbyist registration requirements shall submit to the city clerk a signed statement under oath as provided herein listing all lobbying expenditures, as well as compensation received, for the preceding calendar year with regard to the specific issue on which the lobbyist has been engaged to lobby. A statement shall be filed even if there have been no expenditures or compensation during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.

(b) Each lobbyist and principal shall, before engaging in any lobbying activities, submit to the city clerk a joint signed statement under oath disclosing the terms and amount of compensation to be paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged to lobby. If no compensation will be paid concerning the subject lobby services, a statement shall nonetheless be filed reflecting such.

(c) Attorneys licensed by the Florida Bar shall not be required to divulge client confidences relating to their compensation.

(d) Any change to information originally filed shall require that the lobbyist and principal, as provided in subsection (b) of this section file, within three business days from such changed circumstances, a signed statement under oath amending the reports referenced in subsections (a) and (b) of this section; additionally, in the event official action on the specific lobbied issue is scheduled to occur during said three-day period, the lobbyist and principal shall prior to said official action, further disclose the amendment by publicly stating on the record at which the official action is to occur the subject amendment. The lobbyist and principal have a continuing duty to supply accurate information and amend said reports when so needed.

(e) The city clerk shall notify any lobbyist (or principal) who fails to timely file the expenditure or fee disclosure reports referenced in subsections (a) and (b) of this section. In addition to any other penalties, which may be imposed herein, a fine of $50.00 per day shall be assessed for reports filed after the due date. Any lobbyist who fails to file the required expenditure report by December 1 shall be automatically suspended from lobbying until all fines are paid, unless the fine has been appealed to the county ethics council.

(f) Upon the failure of a lobbyist (or principal) to file either of the reports referenced in subsections (a) and (b) of this section and/or pay the assessed fines after notification, the violator shall be subject to any penalties.

(g) In the event that a violation is found to have been committed, the person shall be prohibited from lobbying before the city council or any committee, board or personnel of the city on the subject that resulted in a finding of a violation, and shall be subject to the penalties set forth in this chapter. Additionally, every lobbyist who is found to be in violation of this article shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

(1) First violation: for a period of one year from the date of determination of violation;

(2) Second violation: for a period of two years from the date of determination of violation;

(3) Third violation: for a period of three years from the date of determination of violation.

Penalties shall include admonition, public reprimand, and fines, as well as prohibitions from registering as a lobbyist or engaging in lobbying activities before the city.

(h) A lobbyist (or principal) may appeal a fine and/or penalty and may request a hearing before the city's special master. A request for a hearing on the fine must be filed with the city clerk's office within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. If the city demonstrates by competent substantial evidence that a violation occurred, the special master shall confirm the fine and/or penalty. However, if the city does not demonstrate by competent substantial evidence that a violation occurred, the special master shall waive the penalty and/or fine.

(i) A bidder or proposer shall be subject to debarment if the bidder or proposer were a contractor where the bidder or proposer has violated this section either directly or indirectly or any combination thereof, on three or more occasions. As used herein, the term "direct violation" means a violation committed by the bidder or proposer, and the term "indirect violation" means a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this division shall also render the contract voidable. The city manager shall include the provisions of this subsection in all city bid documents, requests for proposal (RFP), requests for qualification (RFQ), or RFLI, provided, however, that failure to do so shall not render any contract entered into as the result of such failure illegal per se.

(j) Except as otherwise provided in subsection (a) herein, the validity of any action or determination of the city council or city personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 2007-09-115, § 3(3), 4-25-2007)

Sec. 2-557. - Prohibited lobbying activities.

Any person or entity retained as a lobbyist by the city is prohibited from lobbying any city officer, departmental personnel or employee in connection with any judicial or other proceeding, application, RFP, RFO, RFLI, bid, request for ruling or other determination, contract or controversy on behalf of a third party for the length of the contract or other agreement between the lobbyist and the city.

(Ord. No. 2007-09-115, § 3(4), 4-25-2007)

Sec. 2-558. - Contingency fee prohibited.

No person or entity may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, the term "contingency fee" means a fee, bonus, council, or nonmonetary benefit as compensation, which is dependent on or in any way contingent on the passage, defeat, or modification of:

(1) An ordinance, resolution, action or decision of the city council;

(2) Any action, decision or recommendation of the city manager or any city board or committee; or

(3) Any action, decision or recommendation of city personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the city council, or a city board or committee.

(Ord. No. 2007-09-115, § 3(5), 4-25-2007)

Secs. 2-559—2-579. - Reserved.

MIAMI-DADE COUNTY (CITY OF MIAMI SHORES VILLAGE)

ARTICLE VII. - LOBBYISTS

Sec. 2-100. - Lobbyist registration.

(a) *Definitions:* For the purpose of this section, the following terms shall have the definitions contained herein:

Compensation means payment, promise of payment or expectation of payment of anything of value.

Lobbyist means any person directly or indirectly employed or retained, for compensation, to act on behalf of a principal for the purpose of seeking to influence any official action of the village by seeking to encourage the approval, defeat, or modification of any of the following:

(1) Any ordinance, resolution, official action or official decision of the village council;

(2) Any official action of any individual member or members of the village council (including, for example, those circumstances where individual council members may be afforded rights to appoint members of boards or committees);

(3) Any official action, decision or recommendation of any village board, committee, or agency; and

(4) Any official action, decision or recommendation of the village manager, or village department heads, with regard to any matter which foreseeably will be heard or reviewed by the village council or a village board, committee, or agency.

Principal means a natural person, firm, corporation or other business entity that has employed or retained a lobbyist.

(b) (1) *Registration and filing requirements.* All lobbyists shall, before engaging in any lobbying activities, register with the clerk. Every person required to register shall register on forms prepared by the clerk, pay a registration fee of $75.00 and disclose under oath:

a. The name and business address of lobbyist;

b. The name and business address of principal;

c. The identity of all officials or personnel sought to be lobbied; and

d. The specific issue on which the lobbyist has been employed to lobby.

(2) *Disclosure.* If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary thereof shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding directly or indirectly, a ten percent or more ownership interst in the corporation, partnership or trust.

(3) *Change or modification of information.* Any changes or additions to any information originally filed shall require the lobbyist to file an amendment to the registration forms, although no additional fee shall be required for such amendment. The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs.

(4) *Exclusions.* Notwithstanding anything to the contrary contained herein, individuals dealing with village staff, departments, officials, boards, committees or agencies in the course and scope of their practice of a duly licensed profession, regulated by the State of Florida or any agency thereof, (such as, for example, attorneys, architects, engineers, realtors and the like) shall not be required to register as lobbyists in connection with such dealings provided, however, that, in connection with each such matter in which a licensed professional represents a principal in matters pending before the village, the licensed professional discloses to the village the fact of such representation and identity of the principal represented, in writing, prior to or at the inception of any such lobbying activities, and provides a copy of such disclosure to the clerk.

(Ord. No. 656-06, § 1, 3-21-06)

Secs. 2-101—2-114. - Reserved.

MIAMI-DADE COUNTY (CITY OF NORTH BAY VILLAGE)

Chapter 38 - CONFLICT OF INTEREST AND CODE OF ETHICS

§ 38.17 - Lobbying.

(A) As used in this section "Village personnel" means those Village officers and employees specified in subsection 38.02(A) through (F). "Lobbyist" means all employees, persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) any ordinance, resolution, action or decision of the Village Commission; (2) any action, decision, recommendation of any Village board or committee; or (3) any action, decision or recommendation of Village personnel during the time period of the entire decision-making process on the action, decision or recommendation which foreseeably will be heard or reviewed by the Village Commission, or a Village board or committee. "Lobbyist" specifically includes the principal, as well as any agent, officer or employee of a principal, regardless of whether the lobbying activities fall within the normal scope of employment of the agent, officer or employee. The term "lobbyist" specifically excludes the following persons: lobbyists hired by the Village who are communication with Village personnel in the course of performing under their contracts; attorneys or other representatives retained to represent individuals and corporate entities in quasi-judicial proceedings where the law prohibits ex-parte communications; expert witnesses who only provide scientific, technical or other specialized information or testimony at public meetings; employees of the principal who do not engage in lobbying activities and representatives of non-profit organizations who only appear at publicly noticed meetings, without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support or opposition to any item.

(B) All lobbyists shall, before engaging in any lobbying activities, register with the Village Clerk. Every person required to register shall:

(1) Register on forms prepared by the Village Clerk;

(2) Pay an initial registration fee of $125.00;

(3) State under oath his or her name and business address and the name and business address of each person or entity which has employed the registrant to lobby. If the lobbyist represents a corporation, it shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in the corporation, partnership, or trust. Annual registration of all lobbyists shall be required prior to January 15 of year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for annual registration shall be $300.00. In addition, every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection 38.02(A). The registration fees required by this section shall be deposited by the Village Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Unexpended funds may be transferred to general revenue at the end of the fiscal year. There shall be no fee required for filing a notice of withdrawal and the Village Commission may, in its discretion, waive the registration fee upon a finding of financial hardship.

(4) Prior to conducting any lobbying, all principals must file a form with the Village Clerk, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. Failure of a principal to file the form required by the preceding sentence may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form with the Village Clerk at the point in time at which a lobbyist is no longer authorized to represent the principal.

(5) Every lobbyist and principal of a local business shall sign-in with the Village Clerk each time he or she meets with Village personnel at a Village facility, or shall deliver a memorandum of meeting to the Village Clerk within 24 hours of meeting with Village personnel at another

location, and shall inform the Village Clerk, in writing, of the: (1) name of the lobbyist or the principal of the local business; (2) the Village personnel; (3) the time and place of the meeting; and (4) the issue to be discussed. The issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable to a pending request for a proposal, invitation to bid, or public hearing item.

(C) (1) Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.

(2) Any person who only appears in his or her individual capacity for the purpose of self-representation and any principal of a local business who appears without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist.

(D) Any person who appears as a representative for an individual or firm for an oral presentation before a Village certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the Village all individuals who may make a presentation. The affidavit shall be filed by staff with the Village Clerk's office at the time the proposal is submitted. For the purpose of this section only, the listed members of the presentation team shall not be required to pay any registration fees. No person shall appear before any committee on behalf of an individual or firm unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the Village Clerk's office and has paid all applicable fees.

(E) (1) Between January 2 and 15 of each year, the lobbyist shall submit to the Village Clerk a signed statement under oath listing all lobbying expenditures in excess of $25.00 for the preceding calendar year. A statement shall be filed even if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.

(2) The Village Clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed, a fine of $50.00 per day shall be assessed for reports filed after the due date. Where a fine of $50.00 per day is assessed, the Ethics Commission shall not impose an additional fine as provided in subsection 2-11.1(u) of the county code. Any lobbyist who fails to file the required expenditure report by July 1 shall be automatically suspended from lobbying until all fines are paid unless the fine has been appealed to the Ethics Commission.

(3) The Village Clerk shall notify the Ethics Commission of the failure of a lobbyist or principal to file a report and, or, pay the assessed fines after notification.

(4) A lobbyist or principal may appeal a fine and may request a hearing before the Ethics Commission. A request for a hearing on the fine must be filed with the Ethics Commission within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. The Ethics Commission shall have the authority to waive the fine, in whole or part, based on good cause shown.

(F) The Village Clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this subsection 38.17. The Village Clerk shall publish logs for the current quarter of the fiscal year as soon as practicable after the effective date of this ordinance. All logs required by this ordinance shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to F.S. Section 11.045.

(G) The Ethics Commission shall investigate any person engaged in lobbying activities who may be in violation of this subsection 38.17. In the event that a violation is found to have been committed, the person shall be prohibited from lobbying before the Village Commission or any committee, board or personnel of the Village on the subject that resulted in a finding of a violation. Additionally, every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

- First violation for a period of 90 days from the date of determination of violation;
- Second violation for a period of one year from the date of determination of violation;
- Third violation for a period of five years from the date of determination of violation.

A bidder or proposer shall be subject to the debarment provisions of Section 10-38 of the Code of Miami-Dade County as if the bidder or proposer were a contractor where the bidder or proposer has violated this section, either directly or indirectly or any combination thereof, on three or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing the bidder or proposer. A contract entered into in violation of this section shall also render the contract voidable. The Village Manager shall include the provisions of this section in all Village bid documents, RFP, RFQ, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of the failure illegal *per se.*

(H) All members of the Village Commission, and all Village personnel, shall be diligent to ascertain whether persons required to register pursuant to this section have complied. Village Commissioners or Village personnel may not knowingly permit a person who is not registered pursuant to this section to lobby the Village Commissioners, or committee, board or Village personnel.

(I) Except as otherwise provided in subsection 38.17(G) the validity of any action or determination of the Village Commissioners or Village personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this subsection 38.17.

(J) Commencing on the effective date of this ordinance, and between January 2 and 15 of every year thereafter, each lobbyist shall disclose the terms and amount of compensation paid by each principal to the lobbyist. The principal shall also disclose the terms and amount of compensation paid to every lobbyist retained or employed by the principal. No person may, in whole or in part, pay, give or agree to pay or give a contingency fee to a lobbyist. No lobbyist may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or non-monetary benefit paid or promised as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) any ordinance, resolution, action or decision of the Village Commission; (2) any action, decision or recommendation of any Village board or committee; or (3) any action, decision or recommendation of Village personnel during the time period of the entire decision-making process regarding the action, decision or recommendation which foreseeably will be heard or reviewed by the Village Commission, or a Village board or committee.

(Ord. No. 02-27, § 1, 11-12-02)

§ 38.18 - Cone of Silence.

(A) *Contracts for the provision of goods and services.*

(1) "Cone of Silence" is hereby defined to mean a prohibition on:

a. any communication regarding a particular RFP, RFQ, or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the Village's professional staff including, but not limited to, the Village Manager and his or her staff;

b. any communication regarding a particular RFP, RFQ, or bid between the Mayor or Village Commissioners and any member of the Village's professional staff including, but not limited to, the Village Manager and his or her staff;

c. any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and any member of the selection committee therefor;

d. any communication regarding a particular RFP, RFQ or bid between the Mayor, Village Commissioners and any member of the selection committee;

e. any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the Mayor or Village Commissioners; and

f. any communication regarding a particular RFP, RFQ or bid between any member of the Village's professional staff and any member of the selection committee. The Village Manager and the Chairperson of the selection committee may communicate about a particular selection committee recommendation, but only after the committee has submitted an award recommendation to the Village Manager and provided that should any change occur in the committee recommendation, the content of the communication and of the corresponding change shall be described in writing and filed by the Village Manager with the Village Clerk and be included in any recommendation memorandum submitted by the Village Manager to the Village Commission.

Notwithstanding the foregoing, the Cone of Silence shall not apply to:

a. communications with the Village Attorney and his or her staff;

b. duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the Village Manager makes his or her written recommendation;

c. any emergency procurement of goods or services;

d. communication regarding a particular RFP, RFQ or bid between any person and the contracting officer responsible for administering the procurement process for the RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document.

(2) Procedure.

a. A Cone of Silence shall be imposed upon each RFP, RFQ and bid after the advertisement of the RFP, RFQ or bid. At the time of imposition of the Cone of Silence, the Village Manager or his or her designee shall provide for public notice of the Cone of Silence. The Village Manager shall issue a written notice to the affected departments, file a copy of the notice with the Village Clerk, with a copy to the Mayor and each Village Commissioner, and shall include in any public solicitation for goods and services a statement disclosing the requirements of this ordinance. Notwithstanding any other provision of this section, the imposition of a Cone of Silence on a particular RFP, RFQ or bid shall not preclude staff from obtaining industry comment or performing market research, provided all communications related thereto between a potential vendor, service provider, bidder, lobbyist, or consultant and any member of the Village's professional staff including, but not limited to, the Village Manager and his or her staff, are in writing or are made at a duly noticed public meeting.

b. The Cone of Silence shall terminate at the time the Village Manager makes his or her written recommendation to the Village Commission; provided, however, that if the Village Commission refers the Village Manager's recommendation back to the Village Manager or staff for further review, the Cone of Silence shall be re-imposed until the time as the Village Manager makes a subsequent written recommendation.

(3) Exceptions. The provisions of this ordinance shall not apply to oral communications at pre-bid conferences, oral presentations before selection committees, contract negotiations during any duly noticed public meeting, public presentations made to the Village Commission during any duly noticed public meeting or communications in writing at any time with any Village employee, official or member of the Village Commission unless specifically prohibited by the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written

communication with the Village Clerk. The Village Clerk shall make copies available to any person upon request.

(B) *Penalties.* In addition to the penalties provided in this chapter and Miami-Dade County Code Section 2-11.1 (s) and (v), violation of this section by a particular bidder or proposer shall render any RFP award, RFQ award or bid award to the bidder or proposer voidable. Any person who violates a provision of this ordinance shall be prohibited from serving on a Village competitive selection committee. In addition to any other penalty provided by law, violation of any provision of this ordinance by a Village employee shall subject the employee to disciplinary action up to and including dismissal. Additionally, any person who has personal knowledge of a violation of this ordinance shall report the violation to the State Attorney and, or, may file a complaint with the Ethics Commission.

(Ord. No. 02-27, § 1, 11-12-02)

MIAMI-DADE COUNTY (CITY OF NORTH MIAMI)

DIVISION 3. - LOBBYING

Sec. 2-400. - Definitions.

For the purposes of this division the following definition shall be effective:

Lobbyist shall refer to all persons, firms, or corporations employed or retained, whether paid or not, by a principal who seeks to encourage the passage, defeat, or modification(s) of: (1) Any ordinance, resolution, action or decision of any councilmember; (2) any action, decision, recommendation of any city board or committee; or (3) any action, decision or recommendation of any personnel defined in any manner above, during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the city council, or a city board or committee. The term "lobbyist" specifically includes the principal as described above, as well as any agent, attorney, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, attorney, officer or employee.

(Ord. No. 1354, § 1, 3-26-13)

Sec. 2-401. - Registration.

(a) All lobbyists shall register with the city clerk within five (5) business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall register on forms prepared by the city clerk; shall pay an annual registration fee of two hundred fifty dollars ($250.00) and state under oath:

  (1) His or her name;

  (2) His or her business address;

  (3) The name and business address of each person or entity which has employed the registrant to lobby;

  (4) The councilmember or personnel sought to be lobbied; and

  (5) The specific issue on which the lobbyist has been retained to lobby.

(b) Any change to any information originally filed, or any additional city councilmember or personnel who are also sought to be lobbied shall require that the lobbyist file an amendment to the registration forms, although no additional fee shall be required for such amendment(s).

(c) The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs.

(d) If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five (5) percent or more ownership interest in such corporation, partnership, or trust.

(e) Separate registration shall be required for each principal represented on each specific issue. Each issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable of a pending request for a proposal, a request for proposal, or a public hearing number.

(f) The city clerk shall reject any registration statement which does not provide a description of the specific issue on which the lobbyist has been sought to lobby and/or the required payment of fee.

(g) Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. There shall be no fee required for filing a notice of withdrawal.

(h) All lobbyists shall be required to register prior to October 1st of each year. In the event registration occurs after October 1st, the registration fee shall not be prorated, and a new registration fee shall be due and owing as of September 30th of each year.

(i) In addition to the matters addressed above, every registrant shall be required to state the extent of any business, financial, familial, or professional relationship, or other relationship which gives rise to an appearance of an impropriety, with any current city councilmember or personnel who is sought to be lobbied as identified on the lobbyist registration form filed.

(j) The registration fees required by this subsection shall be deposited by the city clerk into the general fund of the city.

(k) The city clerk may waive the registration fee upon a finding of financial hardship, based upon a sworn statement of the applicant.

(l) All lobbyists shall be in compliance with the applicable parts of F.S. § 112.3148.

(Ord. No. 1354, § 1, 3-26-13; Ord. No. 1360, § 1, 11-12-13; Ord. No. 1403, § 1, 9-13-16)

Sec. 2-402. - Registration not required for certain persons.

(a) Any public officer, employee or appointee or any person or entity in contractual privity with the city that only appears in an official capacity, shall not be required to register as a lobbyist.

(b) Any person who only appears in an individual capacity at a public hearing before the city council, planning commission, board of adjustment or other board or committee and has no other communication with the personnel defined in section 2-400 above, for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist, including but not limited to those who are members of homeowner, neighborhood or business associations. Additionally, any person requested to appear before any city personnel, board or commission, or any person compelled to answer for or appealing a code violation, a nuisance abatement board hearing, a special master hearing or an administrative hearing shall not be required to register, nor shall any agent, attorney, officer or employee of such person.

(Ord. No. 1354, § 1, 3-26-13)

Sec. 2-403. - Sign-in logs.

In addition to the registration requirements addressed above, all city departments including the offices of the mayor and city council, the offices of the city attorney, city manager and city clerk shall maintain signed "sign-in" logs for all non-city employees or personnel for registration when they meet with any personnel as defined in section 2-400 above.

(Ord. No. 1354, § 1, 3-26-13)

Sec. 2-404. - Publication of logs by city clerk.

Commencing January 31st, 1999, and by January 31st of each year thereafter, the lobbyist shall submit to the city clerk a signed statement under oath listing all lobbying expenditures in the city for the preceding calendar year. A statement shall be filed even if there has been no expenditures during the reporting period.

The clerk shall promulgate logs on a quarterly and annual basis reflecting the lobbyist registrations which have been filed.

All members of the city council, and all city personnel defined above, shall be diligent to ascertain whether persons required to register pursuant to this subsection have complied. Councilmembers or city personnel may not knowingly permit themselves to be lobbied by a person who is not registered pursuant to this subsection to lobby the councilmember, or the relevant committee, board or city personnel.

(Ord. No. 1354, § 1, 3-26-13)

Sec. 2-405. - Investigation of violations.

The city attorney and city manager shall jointly investigate any person engaged in lobbying activities who are reported to be in violation of this section. There shall be a report of the results of the investigation to the city council. Any alleged violator shall also receive the results of any investigation and shall have the opportunity to address the findings, if necessary, and submit any written material in defense to the city council. The city council may suspend or prohibit such person from lobbying before the council or any committee, board or personnel of the city.

(Ord. No. 1354, § 1, 3-26-13)

Secs. 2-406—2-414. - Reserved.

MIAMI-DADE COUNTY (NORTH MIAMI BEACH)

2-78 - LOBBYING.

1. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

   Expenditure: A payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal paid or provided directly or indirectly to or for the benefit of any elected official or employee of the City for the purpose of lobbying.

   Lobbyist: An individual, corporation, partnership, or other legal entity employed or retained, whether paid or not, by a principal who seeks to encourage the approval, disapproval, adoption, repeal, passage, defeat, or modifications of (a) any ordinance, resolution, action or decision of any elected official or City Council; (b) any action, decision, recommendation, any city board or committee, including but not limited to Quasi-Judicial, Advisory Board, Trust, Authority, or Council.

   Person: Any individual, corporation, partnership or other legal entity or an agent or employee thereof.

   Principal: The person that has employed or retained the services of a lobbyist.

2. Registration and Reporting Requirements. All lobbyists shall, before engaging in lobbying activities, register with the City Clerk. Every person required to so register shall:

   (a) Register on a form prepared by the City Clerk;

   (b) State under oath the name and business address of the registrant; the name and business address of each principal which has employed or retained the registrant to lobby; the specific issue for which he/she has been employed or retained to lobby and the existence of any direct or indirect business association, partnership, or financial relationship with any employee of the City of North Miami Beach; all principals must file a form with the City Clerk, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal; and

   (c) Pay the annual registration fee of two hundred fifty ($250.00) dollars for each lobbyist, plus an additional fee of one hundred twenty-five ($125.00) dollars for each principal represented for each issue lobbied on behalf of any principal. The Registration Fees required by this section shall be deposited by the City Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Unexpended funds shall be transferred to the City's general revenue at the end of each fiscal year. The City Council may in its discretion, waive the registration fee in demonstrated instances of financial hardship. Regardless of the date of the initial registration, all lobbyists' registrations shall expire December 31 of each calendar year, and shall be renewed on a calendar year basis.

Any change to any information originally filed shall require that he/she file an amendment to the registration forms. He/she has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs. For each separate principal/event/occurrence or representation, an additional disclosure form shall be filed.

3. The following persons shall be required to register but will be exempt from paying the registration fee:

   (a) A person(s) appearing before the Council, committee, or board on behalf of the community's interest, as a volunteer and without compensation, representing the position of a bona fide community organization such as a taxpayers association, a civic or homeowners' association, a public interest group or a chamber of commerce.

(b) Any non-profit community based organization seeking grant services and/or grant funding from the City.

4. Exceptions to Registration. The following shall not be required to register under this section:

(a) Any public official or city staff discussing matters relevant to their official duties;

(b) Any person (citizen/resident) who only appears in his/her individual capacity or on behalf of an immediate family member for the purpose of self-representation without compensation or reimbursement, whether direct or indirect, to express support of or opposition to any item, including but not limited to those who are members of homeowner or neighborhood associations;

(c) Any person who must appear or is requested to appear before the city council, city board, committee, or any member thereof, or the city manager or city staff in a quasi-judicial proceeding or any agent, attorney, officer or employee of such person;

(d) Any person under contract with the City who communicates with any public official or city staff regarding issues related only to the performance of their services under contract;

(e) Any person who has been designated and is so recognized by the City as a representative of a collective bargaining unit composed of City employees; foreign dignitary appearing in his/her official capacity; a person who owns, publishes or is employed by a newspaper, periodical, radio station, or other bonafide news media; a person who merely appears before, the Mayor, City Council, city board or committee, the city manager or city staff in an individual capacity for the purpose of self-representation;

(f) Non-bid vendors making initial "sales" presentations to City administration.

5. Expenditures Prohibited. Except as expressly allowed by state law, all non-nominal expenditures, as defined herein, are prohibited.

6. Reporting Requirements. A lobbyist shall annually submit to the city clerk's office a signed statement under oath listing all lobbying expenditures and the sources from which funds for making lobbying expenditures have come. The lobbying expenditures shall include the lobbyist's own personal expenses for lodging, meals, travel, salary, and office expenses. Such statement of expenditures, entitled " Annual Expenditures Report" shall be due on February 1st of each year. Such statement shall be rendered on the form provided by the city clerk's office and shall be open for public inspection. Such statement shall be filed by February 1st of each year, even if there have been no expenditures during the preceding calendar year.

The City Clerk shall keep a current list and a file of registered lobbyists and registration forms required under this section, which shall be open to the public for inspection. These forms and filings shall be available through the City's website.

7. Notification of Failure to Register. Once the Office of the City Clerk has been notified of a failure to comply with registration requirements, he may administratively collect a one hundred ($100.00) dollar late registration fee and register the lobbyist. If any further action is deemed necessary, as determined by the Mayor and Council, they may set additional fines, reprimand, suspend or prohibit the lobbyist from lobbying before the City Council, a city board, a city committee, or members thereof, for a period not to exceed two (2) years. The City Clerk shall submit a report to the City Council as to those lobbyists who have failed to comply with the registration requirements and/or the annual filing requirements.

8. Lobbyists shall comply with all County, State, and Federal laws.

(Ord. No. 2008-5 § 1, 11-4-08; Ord. No. 2008-18 § 1, 11-4-08; Ord. No. 2013-21, § 1, 12-3-13)

MIAMI-DADE COUNTY (CITY OF OPA-LOCKA)

Sec. 2-18. - Lobbying.

(a) As used in this section, "city personnel" means those city officers and employees specified in section 2-12 of the City of Opa-locka Code of Ethics; Conflict of Interest Ordinance.

(b) "Lobbyist" means all persons, firms or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) ordinance, resolution, action or decision of the city commission; (2) any action, decision, recommendation of any city board or committee; or (3) any action, decision or recommendation of city personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the city commission, or a city board or committee. Lobbyist specifically includes the principal, as described above, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee.

(c) All lobbyists shall, before engaging in any lobbying activities, register with the city clerk. Every person required to so register shall (a) register on forms prepared by the city clerk, (b) pay a registration fee of three hundred dollars ($300.00) and (c) state under oath his or her name, business address, the name and business address of each person or entity which has employed said registrant to lobby, and the specific issues on which he or she has been employed to lobby. If the lobbyist represents a corporation, partnership or trust, the chief officer, partner or beneficiary shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five per cent (5%) or more ownership interest in such corporation, partnership, or trust. Separate registration shall be required for each specific issue. Such issue shall be described with as much detail as is practical, including but not limited to a specific description (where applicable) of a pending request for a proposal, invitation to bid, public hearing number, etc. The city clerk shall reject any registration statement which does not provide a description of the specific issue on which such lobbyist has been employed to lobby. Registration of all lobbyists shall be required prior to October 1 of every year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. Every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection (b)(1). The registration fees required by this subsection shall be deposited by the city clerk into a separate account and shall be expended only to cover the costs incurred in administering the provisions hereof. There shall be no fee required for filing a notice of withdrawal and the city commission may, in its discretion, waive the registration fee upon a finding of financial hardship.

(d) Any public officer, employee or appointed who only appears in his or her official capacity shall not be required to register as a lobbyist.

(e) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist.

(f) Any person who only appears as a representative of a not for profit corporation or entity (such as a charitable organization, a neighborhood association, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the city clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.

(g) Lobbyists shall submit to the city clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. A statement shall be filed even if there has been no expenditures during the reporting period.

(h) The city clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this section 2-18 and such information shall be included within Commission meeting material.

(i) The city shall investigate any person engaged in lobbying activities to the city commission on a standard form. The city attorney shall report the results of the investigation to the city commission. The city commission may reprimand, censure, suspend or prohibit each person from lobbying before the city commission or any committee, board or personnel of the city; suspension or prohibition may not exceed a period of two (2) years. Notwithstanding any other provision of the Conflict of Interest and Code of Ethics Ordinance, or the City of Opa-locka Code of Ordinances, the penalties provided in this paragraph shall be the exclusive penalties imposed for violations of this section 2-18.

(j) All members of the city commission, and all city personnel, shall be diligent to ascertain whether persons required to register pursuant to this section have complied. Commissioners or city personnel may not knowingly permit a person who is not registered pursuant to this section to lobby the commissioners, or the relevant committee, board or city personnel.

(k) The validity of any action or determination of the city commission or city personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this section.

(Ord. No. 09-01, § 2, 1-14-09)

MIAMI-DADE COUNTY (CITY OF PALMETTO BAY)

Section 7.6. - Lobbyists.

(A) No person or firm who directly or through a member of the person's immediate family or through a political action committee or through any other person makes a contribution to a candidate who is elected Mayor, Vice-Mayor or Council member, shall be permitted to lobby on behalf of another, any elected official, employee or appointed board or committee member for a period of four (4) years following the swearing in of the subject elected official.

(B) The Village Council shall pass, maintain and enforce an ordinance, which requires all lobbyists as may be defined by the Miami-Dade County Code and/or as may be made more stringent by the Village Council to:

(1) Register with the Village Clerk prior to lobbying any Village government official, i.e.: Village Council member, employee, board or committee member.

(2) Disclose in writing all persons and/or entities the lobbyist is representing and submit a letter of permission from said person or entity.

(3) Submit a full disclosure of the comprehensive terms of all compensation or consideration the lobbyist is being paid for such activities.

(4) Disclose in writing all Village government officials directly contacted by the lobbyist, any expenditures involved, any fundraising or campaign contributions made directly or indirectly by the lobbyist to any Village government officials or on their behalf.

(5) Direct the Village Clerk to disseminate to the Village Council, prior to any public hearing, on the event or matter for which such lobbyist may appear all disclosures required herein or as otherwise required by State or County law.

Any violation of this section shall render the issue being lobbied voidable.

Sec. 2-137. - Lobbying.

(a) As used in this section *"lobbyist"* means all employees, persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of:

(1) Any ordinance, resolution, action or decision of the village council;

(2) Any action, decision, recommendation of any village manager, village board or committee; or

(3) Any action, decision or recommendation of village personnel during the time period of the entire decision-making process on the action, decision or recommendation which foreseeably will be heard or reviewed by the village council, or a village board or committee.

(b) *Defining lobbying and exemptions.*

(1) The term "lobbyist" shall be defined to specifically include the principal as well as any employee whose normal scope of employment includes lobbying activities. To be clear, a corporation speaking through its principal shareholder or officer is considered a lobbyist. Lobbying is prohibited if a person is not properly registered whether it be a face-to-face meeting, a telephone conversation or an email exchange. Simply gathering information is not lobbying. Individuals performing routine administrative functions for a client are not lobbyists.

(2) The term "lobbyist" specifically excludes the following persons:

i. Lobbyists hired by the village who are to communicate with village personnel in the course of performing under their contracts;

ii. Attorneys or other representatives retained or employed solely for the purpose of represent individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits ex-parte communications;

iii. Expert witnesses who only provide scientific, technical or other specialized information or testimony at public meetings; any person who only appears as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support of or opposition to any item;

iv. Employees of a principal whose normal scope of employment does not include lobbying activities; and

v. Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.

(3) All lobbyists shall register with the village clerk within five business days of being retained as a lobbyist, or before engaging in any lobbying activities, whichever shall come first. Every person required to register shall:

i. Register on forms prepared by the village clerk;

ii. State under oath his or her name, business address and the name and business address of each person or entity which has employed the registrant to lobby. If the lobbyist represents a corporation, it shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in the corporation, partnership, or trust. After initial registration, the lobbyist shall annual[l]y re-register prior to January 15th of the applicable year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for annual registration shall be $490.00.

(4) In addition, every registrant shall be required to state the extent of any business or professional relationship with any current person described in subsection 2-122(1). The registration fees required by this section shall be deposited by the village clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Unexpended funds may be transferred to general revenue at the end of the fiscal year. There shall be no fee required for filing a notice of withdrawal and the village council may, in its discretion, waive the registration fee upon a finding of financial hardship.

(5) Prior to conducting any lobbying, all principals must file a form with the village clerk, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. Failure of a principal to file the form required by the preceding sentence may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principal shall file a form with the village clerk at the point in time at which a lobbyist is no longer authorized to represent the principal.

(6) Every lobbyist shall sign-in with the village clerk each time he or she meets with village personnel at a village facility, or shall deliver a memorandum of meeting to the village clerk within 24 hours of meeting with village personnel at another location, and shall inform the village clerk, in writing, of the: (i) name of the lobbyist; (ii) the village personnel; (iii) the time and place of the meeting; and (iv) the issue to be discussed. The issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable to a pending request for a proposal, invitation to bid, or public hearing item.

(c) Any person who appears as a representative for an individual or firm for an oral presentation before a village certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the village all individuals who may make a presentation. The affidavit shall be filed by staff with the village clerk's office at the time the proposal is submitted. For the purpose of this section only, the listed members of the presentation team shall not be required to pay any registration fees. No person shall appear before any committee on behalf of an individual or firm unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the village clerk's office and has paid all applicable fees.

(d) *Financial disclosure filing as to expenditures.*

(1) By July 1st of each year, the lobbyist shall submit to the village clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. A statement shall not be required to be filed if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.

(2) The village clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed, a fine of $15.00 per day shall be assessed for reports filed after the due date. Where a fine of per day is assessed, the Miami-Dade County Commission on Ethics and Public Trust shall not impose an additional fine as provided in Section 2-11.1(u) of the [Miami-Dade] County Code. Any lobbyist who fails to file the required expenditure report by September 1st shall be automatically suspended from lobbying until all fines are paid unless the fine has been appealed to the Miami-Dade County Commission on Ethics.

(3) The village clerk shall notify the Miami-Dade County Commission on Ethics and Public Trust of the failure of a lobbyist or principal to file a report and, or, pay the assessed fines after notification.

(4) A lobbyist or principal may appeal a fine and may request a hearing before the Miami-Dade County Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Miami-Dade County Commission on Ethics within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. The Miami-Dade County Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or part, based on good cause shown.

(e) The village clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this section. All logs required by this section shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to F.S. § 11.045.

(f) *Investigation and violations of lobbying code.*

(1) A lobbyist that is found to have violated this code shall be prohibited from lobbying the council, committee, or board on that subject and shall be subject to a $500.00 fine.

(2) The Miami-Dade County Commission on Ethics and Public Trust shall investigate any person engaged in lobbying activities who may be in violation of this section. In the event that a violation is found to have been committed, the person shall be prohibited from lobbying before the village council or any committee, board or personnel of the village on the subject that resulted in a finding of a violation, and be subject to the penalties set forth in this chapter.

(3) Additionally, every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

- First violation for a period of 90 days from the date of determination of violation;
- Second violation for a period of one year from the date of determination of violation;
- Third violation for a period of five years from the date of determination of violation.

(g) A bidder or proposer shall be subject to the debarment provisions of Section 10-38 of the Code of Miami-Dade County as if the bidder or proposer were a contractor where the bidder or proposer has violated this section, either directly or indirectly or any combination thereof, on three or more occasions. As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing the bidder or proposer. A contract entered into in violation of this section shall also render the contract voidable. The village manager shall include the provisions of this section in all village bid documents,

RFP, RFQ, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of the failure illegal per se.

(h) All members of the village council, and all village personnel, shall be diligent to ascertain whether persons required to register pursuant to this section have complied. Village council members or village personnel may not knowingly permit a person who is not registered pursuant to this section to lobby the village council members, or committee, board or village personnel.

(i) Except as otherwise provided in subsection (f), above, the validity of any action or determination of the village council members or village personnel, board or committee shall not be affected by the failure of any person to comply with the provisions of this subsection.

(j) Commencing on the effective date of this section, and by July 1, of every year thereafter, each lobbyist shall disclose the terms and amount of compensation paid by each principal to the lobbyist. The principal shall also disclose the terms and amount of compensation paid to every lobbyist retained or employed by the principal. No person may, in whole or in part, pay, give or agree to pay or give a contingency fee to a lobbyist. No lobbyist may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or non-monetary benefit paid or promised as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of:

(1) Any ordinance, resolution, action or decision of the village council;

(2) Any action, decision or recommendation of any village manager, village board or committee; or

(3) Any action, decision or recommendation of village personnel during the time period of the entire decision-making process regarding the action, decision or recommendation which foreseeably will be heard or reviewed by the village council, or a village board or committee.

(Ord. No. 06-01, § 1(.17), 1-9-2006; Ord. No. 2012-10, § 1, 4-2-2012)

Sec. 2-138. - Cone of silence.

(a) Contracts for the provision of goods and services.

(1) *Cone of silence* is hereby defined to mean a prohibition on:

a. Any communication regarding a particular RFP, RFQ, or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the village's professional staff including, but not limited to, the village manager and his or her staff;

b. Any communication regarding a particular RFP, RFQ, or bid between the mayor or village council members and any member of the village's professional staff including, but not limited to, the village manager and his or her staff;

c. Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and any member of the selection committee therefor;

d. Any communication regarding a particular RFP, RFQ or bid between the mayor, village council members and any member of the selection committee;

e. Any communication regarding a particular RFP, RFQ or bid between a potential vendor, service provider, bidder, lobbyist, or consultant and the mayor or village council members; and

f. Any communication regarding a particular RFP, RFQ or bid between any member of the village's professional staff and any member of the selection committee. The village manager and the chairperson of the selection committee may communicate about a particular selection committee recommendation, but only after the committee has submitted an award recommendation to the village manager and provided that should any

change occur in the committee recommendation, the content of the communication and of the corresponding change shall be described in writing and filed by the village manager with the village clerk and be included in any recommendation memorandum submitted by the village manager to the village council.

Notwithstanding the foregoing, the cone of silence shall not apply to:

a. Communications with the village attorney and his or her staff;

b. Duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the village manager makes his or her written recommendation;

c. Any emergency procurement of goods or services;

d. Communication regarding a particular RFP, RFQ or bid between any person and the contracting officer responsible for administering the procurement process for the RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document.

(2) *Procedure.*

a. A cone of silence shall be imposed upon each RFP, RFQ and bid after the advertisement of the RFP, RFQ or bid. At the time of imposition of the cone of silence, the village manager or his or her designee shall provide for public notice of the cone of silence. The village manager shall issue a written notice to the affected departments, file a copy of the notice with the village clerk, with a copy to the mayor and each village council member, and shall include in any public solicitation for goods and services a statement disclosing the requirements of this article. Notwithstanding any other provision of this section, the imposition of a cone of silence on a particular RFP, RFQ or bid shall not preclude staff from obtaining industry comment or performing market research, provided all communications related thereto between a potential vendor, service provider, bidder, lobbyist, or consultant and any member of the village's professional staff including, but not limited to, the village manager and his or her staff, are in writing or are made at a duly noticed public meeting.

b. The cone of silence shall terminate at the time the village manager makes his or her written recommendation to the village council; provided, however, that if the village council refers the village manager's recommendation back to the village manager or staff for further review, the cone of silence shall be re-imposed until the time as the village manager makes a subsequent written recommendation.

(3) *Exceptions.* The provisions of this article shall not apply to oral communications at pre-bid conferences, oral presentations before selection committees, contract negotiations during any duly noticed public meeting, public presentations made to the village council during any duly noticed public meeting or communications in writing at any time with any village employee, official or member of the village council unless specifically prohibited by the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written communication with the village clerk. The village clerk shall make copies available to any person upon request.

(b) *Penalties.* In addition to the penalties provided in this chapter and Miami-Dade County Code Sections 2-11.1(s) and (v), violation of this section by a particular bidder or proposer shall render any RFP award, RFQ award or bid award to the bidder or proposer voidable. A violation of section 2-155 may render the public hearing item voidable and a $500.00 penalty to the applicant. The village council shall hold an evidentiary hearing to determine whether a violation of section 2-155 has taken place, whether a penalty shall issue, and/or whether the public hearing item should be voided. Any person who violates a provision of this article shall be prohibited from serving on a village competitive selection committee. In addition to any other penalty provided by law, violation of any provision of this article by a village employee shall subject the employee to disciplinary action up to and including dismissal. Additionally, any person who has personal knowledge of a violation of this

article shall report the violation to the State Attorney and, or, may file a complaint with the Miami-Dade County Commission on Ethics.

(Ord. No. 06-01, § 1(.18), 1-9-2006; Ord. No. 07-06, § 1(.18), 3-5-2007)

MIAMI-DADE COUNTY (CITY OF SOUTH MIAMI)

Sec. 8A-5. - Lobbyists; registration, reporting, fees, exemptions, expenditures, and penalties.

(a) This section shall be known as the City of South Miami Lobbyist Registration Ordinance.

(b) Definitions. For the purposes of this section, the following terms shall have the definitions contained herein:

(1) *Lobbyist.* The city hereby adopts, by reference, the definition of a lobbyist as found in the Miami-Dade County lobbying ordinance, Section 2-11.1(s)(1)(b) of the Miami-Dade County Code of Ordinances and the interpretations of this section as applied in practice by Miami-Dade County and the Miami Dade Commission on Ethics.

(2) *Principal* means the natural person, firm, company or other entity that has employed or retained a lobbyist, including the person employed by the company or other entity, that has the authority to retain or direct a lobbyist on their behalf.

(3) All lobbyists shall comply with this section and the Miami-Dade County Lobbying Ordinance as they are amended from time to time. All references to the "county" in the county's Lobbying Ordinance shall mean the city, where applicable, for the purpose of this section and for the interpretation and application of the county's Lobbying Ordinance to the city.

(c) (1) Registration and filing requirements. All lobbyists shall, at least on or before 3:00 p.m. on the day of and before engaging in any lobbying activities, register with the city clerk, unless exempted from registering by Section 2-11.1(s)(3) of the Miami-Dade County Code and pay a lobbyist fee, if required. A lobbyist who has engaged in lobbying activities before timely registering as a lobbyist shall pay a fine of five hundred dollars ($500.00). It shall be the responsibility of the city clerk to collect all fines and fees. A lobbyist who, without compensation for performing the services of a lobbyist, is representing an individual for non-commercial purposes (hereinafter referred to as a "limited lobbyist") shall include such information in the lobbyist registration form which shall be signed under oath certifying the truth of the information. No registration fee shall be required for a limited lobbyist. In addition, any lobbyist who would not be required by Miami-Dade County to pay a lobbyist registration fee if engaged in lobbying activities with the county shall not be required to pay a lobbyist registration fee when engaged in lobbying activities with the city.

i. Registration publication. All lobbyist registration forms shall be date stamped by the city clerk. The clerk's office shall maintain a list of all registration and of the payment of the registration fee. The Clerk shall publish on the city website a registration list of principals, issues and lobbyists which shall be updated at the end of each day, to the extent possible, that a completed or amended registration form is received.

ii. Every person required to register shall register on forms prepared by the city clerk and, other than those lobbyists who are exempt from paving a fee, shall pay a registration fee as specified in this ordinance or the city's fee schedule, whichever is greater. The forms shall include the following information, which shall be certified under oath by the lobbyist and the principal whom the lobbyist represents, such as its president, partner or managing member:

a. Name and business address of lobbyist;

b. Name and business address of the principal;

c. Reserved;

d. Whether commissioners, city administration, city attorney or city clerk will be lobbied; and

e. The specific issue on which the lobbyist has been employed to lobby.

iii. The principal and the lobbyist must also submit a joint affidavit stating that the principal has not offered and the lobbyist has not agreed to accept any contingency or success fees as defined in Section 2-11.1 (s)(7) of the Miami-Dade County Code of Ordinances. Failure of a principal to file the required forms may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor.

(2) Change or modification of information. Any change to any information originally filed, or any additional city commissioner or personnel who are also sought to be lobbied shall require the lobbyist to file an amendment to the registration forms, although no additional fee shall be required for such amendment. The lobbyist has a continuing duty to supply information and amend the forms filed throughout the period for which the lobbying occurs.

(3) Disclosure. If the lobbyist represents a legal entity such as a corporation, company, partnership or trust, the chief officer, partner or beneficiary shall also be identified.

(4) Fee requirements for issues. An additional one hundred dollar ($100.00) fee shall be required for each additional specific issue being lobbied for a Principal. A separate fee shall be required for each separate issue for the same Principal for each calendar fiscal year. The city clerk, in the clerk's judgment, shall reject any registration statement that does not provide a description of the specific issue on which the lobbyist has been employed.

(5) Each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. Each principal shall file a form with the clerk at the point in time at which a lobbyist is no longer authorized to represent the principal.

(6) Fees. Each lobbyist who is required to pay a registration fee, shall pay such fee each time he or she registers or re-registers each calendar year with the city clerk. A lobbyist must re-register every calendar year before commencing any lobbying activities. There shall be no fee required for filing a notice of withdrawal. The city clerk shall waive the registration fee upon a finding of financial hardship if supported by a sworn statement of the applicant. Any person who only appears as a representative of a nonprofit corporation or entity who declared in their lobbyist registration application that they would not receive and have not received any compensation or reimbursement for the appearance to express support or opposition to any item, must register but shall not be required to pay a registration fee.

(7) Disclosure and appearance of impropriety. In addition to the matters addressed above, every registrant shall be required to state the extent of any business, financial, familial, professional, or other relationship with the mayor, any city commissioner, or personnel who is sought to be lobbied as identified on the lobbyist registration form filed.

(8) All members of the city commission, and all city personnel, shall be diligent to ascertain whether persons required to register pursuant to this subsection have been complied. Commissioners or city personnel may not knowingly permit a person who is not registered pursuant to this subsection to lobby the commissioner, or the relevant committee, board or city personnel.

(9) Any person who appears as a representative for an individual or firm for an oral presentation before a city certification, evaluation, selection, technical review or similar committee, shall list on an affidavit provided by the city staff, all individuals who may make a presentation. The affidavit shall be filed by staff with the clerk's office at the time the committee's proposal is submitted to the city manager. For the purpose of this subsection only, the listed members of the presentation team, with the exception of any person otherwise required to register as a lobbyist, shall not be required to pay any registration fees. No person shall appear before any committee on behalf of an anyone unless he or she has been listed as part of the firm's presentation team pursuant to this paragraph or unless he or she is registered with the clerk's office as a lobbyist and has paid all applicable lobbyist registration fees.

(d) *List of expenditures.*

(1) On October 1 of each year, lobbyists shall submit to the city clerk a signed statement under oath, as provided by the clerk, listing all lobbying expenditures for the preceding calendar year.

A statement shall not be filed if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events and shall identify the city officials, personnel, and members upon whom the expenditures were made.

(2) The city clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed under this chapter, a fine of fifty dollars ($50.00) per day shall be assessed for reports filed after the October 1 due date.

(3) The city clerk shall notify the county commission on ethics and public trust of the failure of a lobbyist to file a report and/or pay the assessed fines after notification.

(4) A lobbyist may appeal a fine and may request a hearing before the county commission on ethics and public trust. A request for a hearing on the fine must be filed with the county commission on ethics and public trust within fifteen (15) calendars days of receipt of the notification of the failure to file the required disclosure form. The county commission on ethics and public trust shall have the authority to waive the fine, in whole or in part, based on good cause shown.

(e) *Exceptions to registration.* All persons who are exempted from registration or from paying a registration fee by the Miami-Dade County's Lobbying Ordinance are likewise exempted by the city from registration and/or from the payment of registration fees.

(f) *Penalties.*

(1) Violations of this section may be determined by the Miami-Dade County Commission on ethics and public trust. A finding by the commission that a person has violated this chapter shall subject the person to a five hundred dollars ($500.00) civil penalty. The commission on ethics may additionally provide other penalties such as admonition and public reprimand, as well as prohibitions from registering as a lobbyist or engaging in lobbying activities before the city. Conviction for given false information shall be punishable by a fine of up to five hundred dollars ($500.00), imprisonment for up to sixty (60) days and suspension from lobbying privileges in South Miami for a period of up to two (2) years.

(2) Additionally, every person who is found to be in violation of this chapter shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

- First violation: for a period of one (1) year from the date of determination of violation;
- Second violation: for a period of two (2) years from the date of determination of violation;
- Third violation: for a period of three (3) years from the date of determination of violation.

The city commission may debar a bidder or proposer from lobbying activities in the city, and from entering into contracts with the city, or any agency or authority of the city when the bidder or proposer either directly or indirectly, on three or more occasions, has been found to have violated the lobbyist provisions of this section.

As used herein, a "direct violation" shall mean a violation committed by the bidder or proposer and an "indirect violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into in violation of this section shall render the contract voidable. The city manager shall include the provisions of this section in all city bid documents, RFPs and RFQs; provided, however, that failure to do so shall not render any contract voidable.

(3) Except as otherwise provided in subsection (f)(1), the validity of any action or determination of the city commission, board, committee, or agency shall not be affected by the failure of any person to comply with the provisions of this section.

(g) *Prohibition on appointment of lobbyists to boards and committees.* No person who is required to register with the city clerk as a lobbyist shall serve on any board or committee of the city. Any person

who is required to register as a lobbyist subsequent to being appointed to a board or committee shall be disqualified from participating on the board or committee from the date that the person knew, or reasonably should have known, that he or she was required to register. No person shall be appointed to a board or committee for a period of nine (9) months from the time the person files a statement with the city clerk withdrawing his or her registration as a lobbyist. The penalty provisions of subsection (f) shall apply to any lobbyist who violates this prohibition.

(Ord. No. 1251, §§ 1—6, 6-3-86; Ord. No. 1712, § 1, 4-11-00; Ord. No. 1722, § 1, 9-19-00; Ord. No. 1876, § 1, 2-7-06; Ord. No. 2153, §§ 1, 2, 2-5-13; Ord. No. 2206, § 1, 12-17-14)

Editor's note— Although § 9 of Ord. No. 1251, adopted June 3, 1986, specified inclusion in ch. 2, the editor has included the provisions in § 8A-5 since § 7 of the ordinance repealed Ord. No. 1233, adopted June 14, 1985, §§ 1, 2 of which had been included as § 8A-5.

MIAMI-DADE COUNTY (CITY OF SUNNY ISLES BEACH)

§ 33-2. - Lobbying.

[Adopted 7-20-2006 by Ord. No. 2006-260 [1]]

A. Designation. This section shall be designated and known as the "Lobbyist Registration Ordinance." This section shall be applicable to all lobbyists as defined below, and shall also constitute a standard of conduct and behavior for all lobbyists. The provisions of the City of Sunny Isles Beach Lobbyist Ordinance shall be applied in a cumulative manner.

B. Definitions. For purposes of this section, the following words, terms and phrases shall have the meanings as indicated below:

CITY PERSONNEL — Those City officers and employees specified to include the Mayor and City Commissioners, City Board or City Committee Members, and all City employees.

LOBBYIST — All persons, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of: (1) any ordinance, resolution, action or decision of the City Commission; (2) any action, decision, recommendation of a City board or committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the City Commission, or a City board or committee. "Lobbyist" specifically includes a principal who has not employed a lobbyist registered with the City Clerk as well as an agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes a principal who has employed a lobbyist registered with the City Clerk or any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item, who shall register with the City Clerk as required by this section but, upon request, shall not be required to pay any registration fees.

PRINCIPAL — All persons, firms, or corporations who employ a lobbyist.

C. Lobbyist registration, fees, renewal and withdrawal.

(1) All lobbyists shall register with the City Clerk before engaging in any lobbying activities in the City. Every person required to register as a lobbyist shall:

(a) Register as a lobbyist.

[1] Complete the annual lobbyist registration form, as prepared by the City Clerk, stating under oath his or her name, business address, and the name and business address of each person or entity which has employed the registrant to lobby. If the lobbyist represents a corporation, it shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five-percent or more ownership interest in the corporation, partnership, or trust.

[2] Pay an annual lobbyist registration fee of $250.

(b) Register and disclose terms for each principal represented.

[1] Complete the annual principal registration form, as prepared by the City Clerk, prior to conducting any lobbying for each principal (client) being lobbied. Such application shall include a requirement that the lobbyist state under oath his or her name, business address, the name and business address of each person or entity by which s/he has been employed to lobby, as well as a letter of permission signed by the person, entity, principal or the principal's representative, stating that the lobbyist is

authorized to represent him/her/it, together with a disclosure of the terms and amount of compensation paid by each principal to the lobbyist. Each lobbyist and his/her principal shall attach a copy of a fee letter and specify whether any bonuses, success fees, or other consideration shall be received for such lobbying activities. In the alternative, such lobbyist shall submit to the Clerk a joint affidavit, signed by the lobbyist and his/her principal, disclosing the terms and amount of compensation (to be) paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged.

[2] Pay an annual principal registration fee of $100.00.

[3] However, if multiple lobbyists from the same firm represent the same principal, only one registration and applicable fee are required to be filed for that principal. Any lobbyist from the same firm may submit the necessary documents.

(c) File a lobbyist expenditure report.

[1] By January 15 of each year, all lobbyists shall submit to the City Clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events, and City personnel on whose behalf or benefit the expenditure was made. A statement shall be filed even if there have been no expenditures during the reporting period. Annual statements shall be required until such time as the lobbyist files a notice of withdrawal of lobbying activities with the City Clerk.

[2] The City Clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed, a fine of $50.00 per day shall be assessed for reports filed after the due date. Any lobbyist who fails to file the required expenditure report by January 15 shall be automatically suspended from lobbying until all fines are paid, unless the fine has been appealed to the Special Master of the City of Sunny Isles Beach.

[3] A lobbyist or principal may appeal a fine and may request a hearing before the Special Master for the City of Sunny Isles Beach. A request for hearing on the fine must be filed with the Special Master within 15 calendar days of receipt of the notification of the failure to file the required disclosure form.

(d) File a notice of withdrawal. Each person who withdraws as a lobbyist for a particular principal (client) shall file an appropriate notice of withdrawal.

(2) All lobbyist and principal registration forms, expenditure reports, notices of withdrawal, and applicable fees shall be submitted to the City Clerk.

D. Expiration of lobbyist and principal registrations. All lobbyist and principal registrations expire December 31 of each year.

E. Processing of registration fees. The registration fees required by this section shall be deposited by the City Clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Unexpended funds may be transferred to general revenue at the end of the fiscal year. There shall be no fee required for filing a notice of withdrawal, and the City Commission may, in its discretion, waive the lobbyist and/or principal registration fee upon a finding of financial hardship.

F. Change in lobbyist information. Any change to the information originally filed pursuant to this section shall require that the lobbyist file, within three business days from such changed circumstances, a signed statement under oath amending the above-referenced reports. Additionally, in the event official action on the specific lobbying issue is scheduled to occur during said three-day period, the lobbyist and principal shall, prior to said official action, further disclose the amendment by publicly

stating on the record, at which the official action is to occur, the subject amendment. The lobbyist has a continuing duty to supply accurate information and amend said reports when so needed.

G. Creation of a lobbyist log. The City Clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this section. All logs required by this section shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to § 11.045, Florida Statutes.

H. City Clerk to publish information. The City Clerk shall publish to the City Commission, City appointed boards or committees, City Manager and other personnel a list of registered lobbyists and their principals, for which they are authorized to lobby, and any other disclosure made to the City Clerk that is required pursuant to state and county law. The information shall be disseminated by the City Clerk prior to City Commission meetings and public hearings.

I. City sign-in sheet. Every lobbyist and principal of a local business shall sign in at the front desk each time he or she meets with City personnel at a City facility, or shall deliver a memorandum of said meeting to the City Clerk within 24 hours of meeting with City personnel at any other location, and shall inform the City Clerk, in writing, of: (1) the name of the lobbyist or the principal of the local business; (2) the City personnel in attendance; (3) the time and place of the meeting; and (4) the issue discussed. The issue shall be described with as much detail as is practical, including but not limited to, a specific description where applicable to a pending request for a proposal, invitation to bid, or public hearing item.

J. Penalties for violation.

(1) The City Clerk shall notify the Miami-Dade County Commission on Ethics and Public Trust of the failure of a lobbyist (or principal) to file either of the reports referenced above and/or pay the assessed fines after notification.

(2) A lobbyist (or principal) may appeal a fine and may request a hearing before the Miami-Dade Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Miami-Dade Commission on Ethics and Public Trust within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. The Miami-Dade County Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or in part, based on good cause shown.

(3) The Miami-Dade County Commission on Ethics and Public Trust shall investigate any person engaged in lobbying activities who may be in violation of this section. In the event that a violation is found to have been committed the Miami-Dade County Commission on Ethics and Public Trust may, in addition to the penalties set forth in this section, prohibit such person from lobbying before the City Commission or any committee, board or personnel of the City as provided herein.

(a) Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

[1] First violation: For a period of 90 days from the date of determination of violation.

[2] Second violation: For a period of one year from the date of determination of violation.

[3] Third violation: For a period of five years from the date of determination of violation.

(b) As used herein, a "direct violation" shall mean a violation committed by a lobbyist representing said bidder or proposer. A contract entered into a violation of this section shall also render the contract voidable. The City Manager shall include the provisions of this subsection in all City bid documents, RFP, RFO, CBO and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of such failure illegal per se.

(4) A contract entered into in violation of this section shall also render the contract voidable. The City Manager shall include the provisions of this section in all City bid documents, RFP, RFQ,

and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of the failure illegal per se.

(5) All members of the City Commission, and all City personnel, shall be diligent to ascertain whether persons required to register pursuant to this section have complied. City Commission members or City personnel may not knowingly permit a person who is not registered pursuant to this section to lobby the City Commission members, or City appointed committee or board or City personnel.

K. Lobbyist contingency fees prohibited. No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the City Commission; (2) any action, decision or recommendation of the City Manager or any City appointed board or committee; or (3) any action, decision or recommendation of City personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the City Commission, or a City appointed board or committee.

L. Conflict provision. It is acknowledged that § 2-11.1(s) of the Miami-Dade County Code is a minimum standard to govern lobbying activities. If there is any conflict between this section and the County Code, this section shall control.

(Ord. No. 2011-376, § 2, 11-17-2011)

Footnotes:

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1. Editor's Note: This ordinance also repealed former § 33-2, Lobbying, the provisions of which were adopted 8-13-1998 by Ord. No. 98-44; 7-17-2003 by Ord. No. 2003-175; and 4-15-2004 by Ord. No. 2004-195.

MIAMI-DADE COUNTY (CITY OF SURFSIDE)

Sec. 2-235. - Lobbying.

This section shall be applicable to all lobbyists as defined below, and shall also constitute a standard of conduct and behavior for all lobbyists. The provisions of this section shall be applied in a cumulative manner.

(1) *Definitions.* For purposes of this section, the following words, terms and phrases shall have the meanings as indicated below:

a. *Town personnel.* Those town officers and employees specified to include the mayor and town commissioners, town board or town committee members, and all town employees.

b. *Lobbyist.* All persons, attorneys, firms, or corporations employed or retained by a principal who seeks to encourage the passage, defeat, or modifications of (1) any ordinance, resolution, action or decision of the town commission; (2) any action, decision, recommendation of a town board or committee; or (3) any action, decision or recommendation of town personnel during the time period of the entire decision-making process on such action, decision or recommendation which foreseeably will be heard or reviewed by the town commission, or a town board or committee. "Lobbyist" specifically includes the principal, as defined in this section, as well as any agent, officer or employee of a principal, regardless of whether such lobbying activities fall within the normal scope of employment of such agent, officer or employee. The term "lobbyist" specifically excludes any person who only appears as a representative of a not-for-profit corporation or entity (such as charitable organization, a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect, or contingent, to express support or opposition to any item.

c. *Principal.* All persons, firms, or corporations who employ a lobbyist.

(2) *Lobbyist registration, fees, renewal and withdrawal.*

a. All lobbyists shall register with the town clerk before engaging in any lobbying activities in the town. Every person required to register as a lobbyist shall:

i. Register as a lobbyist.

1. Complete the annual lobbyist registration form, as prepared by the town clerk, stating under oath his or her name, business address, and the name and business address of each person or entity which has employed the registrant to lobby. If the lobbyist represents a corporation, it shall also be identified.

2. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five-percent or more ownership interest in the corporation, partnership, or trust.

ii. Pay an annual lobbyist registration fee of $250.00.

iii. Register and disclose terms for each principal represented.

1. Complete the annual principal registration form, as prepared by the town clerk, prior to conducting any lobbying for each principal (client) being lobbied. Such application shall include a requirement that the lobbyist state under oath, his or her name, business address, the name and business address of each person or entity by which s/he has been employed to lobby, as well as a letter of permission signed by the person, entity, principal or the principal's representative, stating that the lobbyist is authorized to represent him/her/it, together with a disclosure of the terms and amount of compensation paid by each principal to the lobbyist. Each lobbyist and his/her principal shall attach a copy of a fee letter and specify whether any bonuses, success fees, or other

consideration shall be received for such lobbying activities. In the alternative, such lobbyist shall submit to the town clerk a joint affidavit, sign by the lobbyist and his/her principal, disclosing the terms amount of compensation (to be) paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged.

2. Pay an annual principal registration fee of $100.00.

3. If multiple lobbyists from the same firm represent the same principal, then only one principal registration form and principal registration fee of $100.00 is required to be filed for that principal. All lobbyists from the same firm who represent the same principal must file a separate lobbyist registration form and a lobbyist registration fee of $250.00. All lobbyist are required to file an expenditure report as outline below in 2 (a) (iv). Any lobbyist from the same firm may submit all the necessary documents to the Town Clerk on behalf of the firm.

iv File a lobbyist expenditure report.

1. By January 15 of each year, all lobbyists shall submit to the town clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events, and town personnel on whose behalf or benefit the expenditure was made. A statement shall be filed even if there have been no expenditures during the reporting period. Annual statements shall be required until such time as the lobbyist files a notice of withdrawal of lobbying activities with the town clerk.

2. The town clerk shall notify any lobbyist who fails to timely file an expenditure report. In addition to any other penalties which may be imposed, a fine of $50.00 per day shall be assessed for reports filed after the due date. Any lobbyist who fails to file the required expenditure report by January 15 shall be automatically suspended from lobbying until all fines are paid, unless the fine has been appealed to the special master of the Town of Surfside.

3. A lobbyist or principal may appeal a fine and may request a hearing before the special master for the Town of Surfside. A request for hearing on the fine must be filed with the special master within 15 calendar days of receipt of the notification of the failure to file the required disclosure form.

v. File a notice of withdrawal. Each person who withdraws as a lobbyist for a particular principal (client) shall file an appropriate notice of withdrawal.

b. All lobbyist and principal registration forms, expenditure reports, notices of withdrawal, and applicable fees shall be submitted to the town clerk. Such forms may be amended from time to time administratively.

(3) *Expiration of lobbyist and principal registrations.* All lobbyist and principal registrations expire December 31 of each year.

(4) *Processing of registration fees.* The registration fees required by this section shall be deposited by the town clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. Unexpended funds may be transferred to general revenue at the end of the fiscal year. There shall be no fee required for filing a notice of withdrawal, and the town commission may, in its discretion, waive the lobbyist and/or principal registration fee upon a finding of financial hardship.

(5) *Change in lobbyist information.* Any change to the information originally filed pursuant to this section shall require that the lobbyist file, within three business days from such changed circumstances, a signed statement under oath amending the above-referenced reports.

Additionally, in the event official action on the specific lobbying issue is scheduled to occur during said three-day period, the lobbyist and principal shall, prior to said official action, further disclose the amendment by publicly stating on the record, at which the official action is to occur, the subject amendment. The lobbyist has a continuing duty to supply accurate information and amend said reports when so needed.

(6) *Creation of a lobbyist log.* The town clerk shall publish logs on a quarterly and an annual basis reflecting the lobbyist registrations which have been filed in accordance with this section. All logs required by this section shall be prepared in a manner substantially similar to the logs prepared for the Florida Legislature pursuant to F.S. § 11.045.

(7) Town clerk to publish information. The town clerk shall publish to the town commission, town appointed boards or committees, town manager and other personnel a list of registered lobbyists and their principals, for which they are authorized to lobby, and any other disclosure made to the town clerk that is required pursuant to state and county law. The information shall be disseminated by the town clerk prior to town commission meetings and public hearings.

(8) *Town sign-in sheet.* Every lobbyist and principal of a local business shall sign in at the front desk each time he or she meets with town personnel at a town facility, or shall deliver a memorandum of said meeting to the town clerk within 24 hours of meeting with town personnel at any other location, and shall inform the town clerk, in writing, of (1) the name of the lobbyist or the principal of the local business; (2) the town personnel in attendance; (3) the time and place of the meeting; and (4) the issue discussed. The issue shall be described with as much detail as is practical, including but not limited to a specific description where applicable to a pending request for a proposal, invitation to bid, or public hearing item.

(9) *Penalties for violation.*

a. The town clerk shall notify the Miami-Dade County Commission on Ethics and Public Trust of the failure of a lobbyist (or principal) to file either of the reports referenced above and/or pay the assessed fines after notification.

b. A lobbyist (or principal) may appeal a fine and may request a hearing before the Miami-Dade Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Miami-Dade Commission on Ethics and Public Trust within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. The Miami-Dade County Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or in part, based on good cause shown.

c. The Miami-Dade County Commission on Ethics and Public Trust shall investigate any person engaged in lobbying activities who may be in violation of this section. In the event that a violation is found to have been committed the Miami-Dade County Commission on Ethics and Public Trust may, in addition to the penalties set forth in this section, prohibit such person from lobbying before the town commission or any committee, board or personnel of the town as provided herein.

i. Every lobbyist who is found to be in violation of this section shall be prohibited from registering as a lobbyist or lobbying in accordance with the following schedule:

1. *First violation:* For a period of 90 days from the date of determination of violation.

2. *Second violation:* For a period of one year from the date of determination of violation.

3. *Third violation:* For a period of five years from the date of determination of violation.

ii. As used herein, a "direct violation" shall mean a violation committed by a lobbyist representing said bidder or proposer.

d. A contract entered into in violation of this section shall also render the contract voidable. The town manager shall include the provisions of this section in all town bid documents,

RFP, RFQ, and CDBG applications; provided, however, the failure to do so shall not render any contract entered into as the result of the failure illegal per se.

e. All members of the town commission, and all town personnel, shall be diligent to ascertain whether persons required to register pursuant to this section have complied. Town commission members or town personnel may not knowingly permit a person who is not registered pursuant to this section to lobby the town commission members, or town appointed committee or board or town personnel.

(10) *Lobbyist contingency fees prohibited.* No person may, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: (1) an ordinance, resolution, action or decision of the town commission; (2) any action, decision or recommendation of the town manager or any town appointed board or committee; or (3) any action, decision or recommendation of town personnel during the time period of the entire decision-making process regarding such action, decision or recommendation which foreseeably will be heard or reviewed by the town commission, or a town appointed board or committee.

(11) *Conflict provision.* It is acknowledged that Section 2-11.1(s) of the Miami-Dade County Code is a minimum standard to govern lobbying activities. If there is any conflict between this section and the county code, this section shall control.

(Ord. No. 1474, § 2, 4-10-07; Ord. No. 13-1599, § 2, 1-15-13; Ord. No. 1628, § 2, 12-9-14)

MIAMI-DADE COUNTY (CITY OF SWEETWATER)

Sec. 2-444. - Registration of lobbyist.

(a) All lobbyists shall register with the city clerk within five business days of being retained as a lobbyist or before engaging in any lobbying activities, whichever shall come first. Every person required to so register shall:

(1) Register on forms prepared by the clerk;

(2) State under oath his or her name, business address and the name and business address of each person or entity which has employed said registrant to lobby. If the lobbyist represents a corporation, the corporation shall also be identified. Without limiting the foregoing, the lobbyist shall also identify all persons holding, directly or indirectly, a five percent or more ownership interest in such corporation, partnership, or trust. Registration of all lobbyists shall be required prior to January 15 of each year and each person who withdraws as a lobbyist for a particular client shall file an appropriate notice of withdrawal. The fee for annual registration shall be $250.00. Every registrant shall be required to state the extent of any business or professional relationship with the mayor and members of the city commissioners duly constituted from time to time in subsection (b)(1). The registration fees required by this subsection shall be deposited by the clerk into a separate account and shall be expended for the purpose of recording, transcribing, administration and other costs incurred in maintaining these records for availability to the public. There shall be no fee required for filing a notice of withdrawal and the city may, in its discretion, waive the registration fee upon a finding of financial hardship.

(3) Prior to conducting any lobbying, all principals must file a form with the city clerk, signed by the principal or the principal's representative, stating that the lobbyist is authorized to represent the principal. Failure of a principle to file the form required by the preceding sentence may be considered in the evaluation of a bid or proposal as evidence that a proposer or bidder is not a responsible contractor. Each principle shall file a form with the city clerk at the point in time at which a lobbyist is no longer authorized to represent the principal.

(b) Any public officer, employee or appointee who only appears in his or her official capacity shall not be required to register as a lobbyist.

(c) Any person who only appears in his or her individual capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect or contingent, to express support of or opposition to any item, shall not be required to register as a lobbyist.

(d) Any person who appears as a representative of a not-for-profit corporation or entity (such as a charitable organization, or a trade association or trade union), without special compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item, shall register with the city clerk as required by this subsection, but, upon request, shall not be required to pay any registration fees.

(Ord. No. 3184, § 5, 8-1-2005)

ORANGE COUNTY

ARTICLE X. - LOBBYING ACTIVITIES

Sec. 2-351. - Definitions.

(a) *Black-out period* means the period between (1) the time the invitation for bid or the request for proposal or for information, as applicable, is issued or promulgated and (2) the time the board selects the successful bidder or proposer.

(b) *Board* means the Orange County Board of County Commissioners.

(c) *Compensation* means fees, retainer, contract payments, salary, wages, any other payment of money, or any other consideration of any kind, either monetary or nonmonetary. Compensation does not include direct reimbursement of actual out-of-pocket expenses.

(d) *County* means Orange County, Florida.

(e) *County mayor* means the Orange County Mayor.

(f) *Development permit* means the same as this term is defined in F.S. § 163.3164.

(g) *Expenditure* means the same as this term is defined in F.S. § 112.3215.

(h) *Lobbyist* means any person, partnership, corporation or other business entity that receives compensation to lobby on behalf of a principal, or an employee of a principal only when governmental relations, acting as a governmental liaison, or communicating with governmental agencies is a primary or substantial part of the employee's ongoing job responsibilities. Lobbyist does not mean a county official, county employee or any other person affiliated with the county while acting in his or her official capacity.

(i) *Lobbying* means:

(1) To communicate or the act of communicating directly with the county mayor, with any other member of the board, or with any member of a procurement committee; or

(2) To communicate indirectly with the county mayor or any other member of the board by communicating with any staff member to a county commissioner, any county employee assigned to the county mayor's staff, the county administrator, any deputy or assistant county administrator, the county attorney, any county department director, or any county division manager.

In either case, lobbying seeks to encourage the approval, disapproval, adoption, repeal, rescission, passage, defeat or modification of any ordinance, resolution, agreement, development permit, other type of permit, franchise, vendor, consultant, contractor, recommendation, decision or other foreseeable action of the board. Lobbying shall include all such communications, regardless of whether initiated by the lobbyist or by the person being lobbied and regardless of whether oral, written or electronic.

(j) *Ministerial item* means an item presented to the board requiring a mandatory act or duty admitting of no personal discretion or judgment in its performance.

(k) *Principal* means the person, partnership, joint venture, trust, association, corporation, governmental entity or other entity which has contracted for, employed, retained or otherwise engaged the services of a lobbyist. For purposes of filing the specific project expenditure report, described at subsection 2-354(b) of this Code, this term shall also include those persons, partnerships, joint ventures, trusts, associations, corporations, limited liability corporations, or other entities where they or their employees do not qualify as a lobbyist under the definition set forth in this chapter but do perform lobbying activities on behalf of a business in which they have a personal interest but shall not include any governmental entity.

(l) *Procurement committee* means the committee established pursuant to section 9.01.13 of the county's administrative regulations (or any successor regulation or ordinance) for purposes of

evaluating the competitive proposals submitted pursuant to a request for proposal, a request for information, or any other similar solicitation for a particular procurement matter.

(m) *Procurement matter* means any specific procurement decision governed, in whole or in part, by article III of chapter 17.

(Ord. No. 94-22, § 1, 11-29-94; Ord. No. 2002-15, § 3, 10-15-02; Ord. No. 2008-14 , § 2, 7-8-08; Ord. No. 2008-20 , § 1, 12-16-08)

Sec. 2-352. - Registration and re-registration of lobbyists.

(a) All lobbyists shall register and reregister with the county at the times specified in this article and on the forms prescribed from time to time by the county mayor.

(b) All lobbyists shall, at the time of initial registration and each annual registration, pay a registration fee of ten dollars ($10.00). No lobbyist shall be required in any year to pay more than ten dollars ($10.00) to register, regardless of the number of principals represented.

(c) The forms prescribed from time to time by the county mayor for the registration and re-registration of lobbyists shall require, at a minimum, the following information:

(1) The lobbyist's name and business address;

(2) The name and business address of each principal represented;

(3) The specific areas of the principal's governmental interest;

(4) Where the principal is a corporation, limited liability corporation, or association the name of the chief executive officer of the corporation or association;

(5) Where the principal is a general partnership or joint venture, the names of all partners;

(6) Where the principal is a limited partnership, the name of the general partner or partners;

(7) Where the principal is a trust, the names of all trustees and beneficiaries;

(8) Where the principal is a partnership, joint venture, corporation, association, trust or nongovernmental entity other than a natural person, the names of all natural persons holding, directly or indirectly, a five (5) percent or more ownership interest in the entity; and

(9) Disclosure of any business, professional or familial relationship that the lobbyist or any employee of the lobbyist may have with the county mayor or any other member of the board, any staff member to a county commissioner, any county employee assigned to the county mayor's staff, the county administrator, any deputy or assistant county administrator, the county attorney, any county division director, or any county department manager.

(d) All lobbyists shall register and reregister prior to January 1 of each year, and registration forms shall be filed with the county department or office designated by the county mayor. If and when a lobbyist commences representation subsequent to January 1 of any year of any principal for which the lobbyist has not registered pursuant to this article, such lobbyist shall register with respect to that principal prior to lobbying. Lobbying prior to registration is prohibited. Each lobbyist who ceases lobbying for a particular principal shall file a written notice at the time of withdrawal.

(e) Principals, or their respective employees, who do not qualify as a lobbyist under the definition set forth in this chapter, shall be exempt from the annual registration requirement.

(Ord. No. 94-22, § 2, 11-29-94; Ord. No. 98-03, § 1, 1-27-98; Ord. No. 2002-15, § 3, 10-15-02; Ord. No. 2008-14 , § 2, 7-8-08)

Sec. 2-353. - Record of lobbying contacts.

All visitors and lobbyists, with the exception of county staff, shall sign the visitor logs, maintained and available in the office reception areas of the county mayor and the board, prior to meeting with the county mayor, a county commissioner, county administrator, or any of their respective staff. The visitor or lobbyist shall state his or her name; the name of each principal, if applicable, represented in the course of the particular contact; and the topic of the contact. The visitor logs shall be transmitted to the county attorney's office, on a periodic basis, and available for storage and public inspection in the county department or office designated by the county mayor. In the event that a lobbyist or principal engages in lobbying which is initiated outside of county offices, the lobbyist or principal shall provide the information required above to the county department or office designated by the county mayor within seven (7) calendar days of such lobbying contact.

(Ord. No. 98-03, § 2, 1-27-98; Ord. No. 2002-15, § 3, 10-15-02; Ord. No. 2008-14 , § 2, 7-8-08)

Sec. 2-354. - Expenditure reports.

(a) *Registered lobbyist annual expenditure reports.* On or before April 1 of each year, all registered lobbyists shall submit, to the appropriate county department, a lobbyist annual expenditure report for each principal represented during the previous year, signed under oath, listing all expenditures incurred by the lobbyist for that specific principal during the preceding calendar year for the purpose of lobbying. Such report shall be prepared and shall disclose such information as is prescribed in F.S. § 112.3215 for executive branch lobbyists, except that the lobbyist annual expenditure report shall be submitted only annually and shall pertain only to expenditures incurred by the lobbyist, not the principal.

(b) *Specific project expenditure reports.*

(1) a. *Initial report.* Effective as to project applications and items submitted to or filed with the county after January 1, 2009, the principal or the principal's authorized agent (when accompanied by an agent authorization form on file with the county) shall submit to the appropriate county department one specific project expenditure report for all lobbying expenditures incurred by the principal and his or her authorized agent and his or her lobbyist, contractors, and consultants, if applicable, for any project or issue to be presented to the board unless the project or item is exempt. One cumulative specific project expenditure report for all lobbying expenditures incurred for a specific project or issue to be presented to the board, shall be prepared and signed by the principal or the principal's authorized agent, shall disclose such information as is prescribed in F.S. § 112.3215, and shall be submitted with all other required documentation associated with the specific project or issue.

b. *Professional fees.* Nothing included in section 2-354 of this Code is intended to require the disclosure of professional fees paid by the principal to its lobbyist for the purpose of lobbying.

c. *Exemptions.* The following items shall be exempt from the requirement for a specific project expenditure report:

1. Ministerial items;

2. Resolutions;

3. Agreements in settlement of litigation matters in which the county is a party; and

4. Ordinances initiated by county staff.

d. *Purchasing and procurement.* Effective January 1, 2009, one (1) specific project expenditure report shall be submitted to or filed with the county by a bidder, offerer, quoter or respondent or his/her agent (when accompanied by an agent authorization form on file with the county) for all lobbying expenditures incurred by the bidder, offerer, quoter or

respondent and his/her agent and his or her lobbyist, contractors, and consultants, if applicable, only for the following procurement matters:

1. Competitive sealed proposal, as described at section 17-311, Orange County Code; or

2. When filing a response to a request for a procurement of professional services, as governed by F.S. § 287.055 and described at subsection 17-312(f), Orange County Code, including but not limited to professional architectural, engineering, landscape architectural or land surveying services.

   Where required, one (1) cumulative specific project expenditure report for all lobbying expenditures incurred for the specific procurement item to be presented to the board, shall:

   (i) Be prepared and signed by the bidder, offerer, quoter or respondent or his/her agent;

   (ii) Disclose such information as is prescribed in F.S. § 112.3215; and

   (iii) Be submitted to the county by the bidder, offerer, quoter or respondent or his/her agent.

e. *Amendments to report.* The specific project expenditure report may be subsequently amended if necessary, shall remain cumulative, and shall be filed by the principal or the principal's authorized agent no less than seven (7) business days prior to the scheduled board meeting date with the department where the original application is filed. Any subsequent amendment shall be a continuing requirement of the principal or the principal's authorized agent.

f. *Update following filing of amendments.* For those items scheduled for a public hearing, if additional expenditures are incurred subsequent to the filing of the initial specific project expenditure report or subsequent to the filing of any amendment which was filed no less than seven (7) business days prior to the BCC meeting, the principal or the principal's authorized agent, during the scheduled board meeting on the project or issue, shall verbally inform the board that additional expenditures were incurred subsequent to the filing of the initial report and amendment thereto. For those items scheduled on the consent agenda, if additional expenditures are incurred subsequent to the filing of the initial specific project expenditure report or subsequent to the filing of any amendment which was filed no less than seven (7) business days prior to the BCC meeting, the item shall be removed from the consent agenda for the upcoming BCC meeting.

(2) The specific project expenditure report format shall be adopted separately by administrative regulation.

(Ord. No. 94-22, § 3, 11-29-94; Ord. No. 98-03, § 2, 1-27-98; Ord. No. 2002-15, § 3, 10-15-02; Ord. No. 2008-14 , § 2, 7-8-08; Ord. No. 2008-20 , § 2, 12-16-08)

Sec. 2-355. - Prohibition of lobbying in procurement matters.

Except as expressly set forth in subsections 17-313(g) and 17-313.1(f), during the black-out period, no lobbyist, principal, or other person may lobby, on behalf of a competing party in a particular procurement matter, either (i) the mayor or his or her respective staff; (ii) any member of the board or their respective staff; or (iii) any county employee assigned to the procurement committee (if any).

(Ord. No. 98-03, § 2, 1-27-98; Ord. No. 2002-15, § 3, 10-15-02; Ord. No. 2008-14 , § 2, 7-8-08)

Sec. 2-355.1. - Prohibition on campaign contributions in procurement matters.

During the black-out period, no lobbyist, principal, or other person may provide a contribution, as defined in F.S. § 106.011, on behalf of a competing party acting in a particular procurement matter, to either (i) the mayor or any member of the county commission or (ii) any candidate for mayor or county commission.

(Ord. No. 2008-13 , § 2, 7-8-08)

Sec. 2-356. - Investigation of violations; penalties; validity of actions.

(a) The county attorney or county administrator, or their designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the registration and expenditure reporting requirements of this article and, in each such instance, shall conduct such investigation as he or she shall deem necessary under the circumstances. The results of each investigation shall be reported to the board.

(b) The board may warn, reprimand or censure the violator or may suspend or prohibit the violator from appearing on behalf of any principal before the board or any county advisory body or from otherwise lobbying for any principal in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two (2) years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be heard. The penalties provided in this subsection shall be the exclusive penalties imposed for violations of the registration and reporting requirements of this article. The failure or refusal of any lobbyist to comply with any order of the board suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall otherwise be subject to such civil remedies as the county may pursue, including injunctive relief.

(c) (1) The board of county commissioners may void a contract entered into in connection with a procurement matter where the county mayor or his or her respective staff, one or more county commissioners or their respective staff, or a member of the pertinent procurement committee has been lobbied in violation of the black-out-period restrictions of section 2-355.

(2) The board of county commissioners may reject a bid or proposal or may void a contract entered into in connection with a procurement matter where the county mayor, one or more county commissioners, or a candidate for mayor or county commission has received a campaign contribution in violation of the restrictions provided at section 2-355.1.

(d) Except as set forth in the voidable-contract provisions of subsection (c), the validity of any action taken by the board or any county officers or employees or advisory bodies shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 94-22, § 4, 11-29-94; Ord. No. 98-03, § 2, 1-27-98; Ord. No. 2002-15, § 3, 10-15-02; Ord. No. 2008-13 , § 3, 7-8-08; Ord. No. 2008-14 , § 2, 7-8-08)

Secs. 2-357—2-370. - Reserved.

ORANGE COUNTY (CITY OF ORLANDO)

ARTICLE XXIX. - LOBBYISTS

Sec. 2.191. - Definitions, Registration, and Reporting Requirements for Lobbyists; Penalties.

(1) *Definitions.*

Compensation means monetary consideration of any kind, either received or expected, including but not limited to, salary, payment, retainer, commission, consideration of any type, forbearance, forgiveness or any combination thereof. For purposes of this section, compensation shall only include something of monetary value.

Lobbying means any communication, written or oral, or any meeting or discussion by a Lobbyist with any member of City Council, Staff Decision Maker or board member wherein there is communicated, disclosed or discussed any matter which is or may be pending before City Council, Staff Decision Maker or the respective board in order to influence the action or inaction of the City Council, Staff Decision Maker or the respective board. The definition of lobbying includes appearances before City Council and boards but does not include the act of filing an application on behalf of or as authorized agent for another.

Lobbyist means any person who shall engage in lobbying as defined herein for compensation for (1) an entity other than his or her employer; or (2) for any entity including his or her employer if a principal function of his or her position is lobbying or governmental relations.

Staff Decision Makers means the following employees of the City of Orlando who have been delegated final decision making authority by ordinance to make decisions on behalf of the City, when they are acting within the scope of that final decision making authority: Appearance Review Officer, Building Official, Deputy Building Official, City Engineer, Fire Marshall, Historic Preservation Officer, Planning Official, Transportation Engineer, Vehicle for Hire Administrator and Zoning Official.

(2) *Prohibitions on Lobbying of Board Members.* Lobbying of the members of all City boards by Lobbyists shall be prohibited outside of open, posted public meetings; provided however, in advance of any City board meeting, Lobbyists may provide written documents and information to the Recording Secretary of any City Board for dissemination to all Board members. Lobbying at public meetings shall be subject to the registration and reporting requirements set forth in paragraphs 3 and 4 of this section.

The prohibitions and requirements in this Article are in addition to the City's Public Works and Office of Purchasing & Materials Management policies that prohibit proposers from any and all communication regarding the procurement process with Council members, selection committee members, and City staff until Final Award is made, except through the assigned staff member.

(3) *Registration.* All Lobbyists shall register at the time of lobbying or no later than the next City business day from the date of such lobbying. Such registration shall provide the Lobbyist's name and business address and the name and business address of the person, firm, corporation, principal or other entity providing compensation to the Lobbyist. Such registration shall be on forms provided by the City Clerk and maintained in the offices of the City Clerk for storage and public inspection. This registration requirement shall apply to all activity by Lobbyists whether it takes place in City offices or outside City offices.

(4) *Reporting.* A Lobbyist shall on or before February 1 and August 1 of each year submit to the City Clerk's office a signed statement, executed under oath, listing all lobbying expenditures involving City Council, Staff Decision Makers, and/or City boards for the preceding six month period (January—June, July—December), the source of the funds and an itemization of the amount expended for each member of City Council, Staff Decision Makers, and/or board member by each registered Lobbyist. Lobbyists who have incurred no City lobbying expenses during the preceding period shall not be required to file a report. It shall be the responsibility of the Lobbyist to obtain this form from the City Clerk's office. The City Clerk shall maintain such filings available and open for public inspection. Any Lobbyist required to file a report who fails to file on or before the due date for

the previous period, in addition to any other penalty provided for herein shall not be permitted to engage in any Lobbying activity until their reports are brought current.

(5) *Exceptions.* The following categories of persons shall be exempt from the registration and reporting requirements set forth in paragraph 3 of this section.

(A) Employees or representatives of any federal, state, county, municipal or independent authority discussing the business of their government or authority;

(B) An elected official or government employee acting in his official capacity or in connection with his job responsibilities;

(C) Law enforcement personnel conducting an active investigation;

(D) Persons or representatives of organizations contacted by the City Council member when such contact is initiated by the member;

(E) A person who appears under compulsion or subpoena by the City Council, Board or staff member of a board;

(F) Any person in contractual privity with the City who appears only in his or her official contractual capacity in connection with the performance of the current contract.

(6) *Violations/penalties.* Violation of any provision of this section shall be punishable as provided in section 1.08, Orlando City Code. Failure of any Lobbyist to comply with the provisions of this section shall not in any way effect the validity of any action taken by City Council or any City official.

(Ord. of 2-25-1991, Doc. #24611; Ord. of 12-19-1994, Doc. #28135; Ord. of 9-23-2002, § 1, Doc. #020923720)

PALM BEACH COUNTY

ARTICLE VIII. - LOBBYIST REGISTRATION[23]

Footnotes:

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Editor's note— The amendments to Art. VIII, §§ 2-351—2-357, made by Ord. No. 2011-039, adopted Dec. 20, 2011, became effective on April 2, 2012.

Sec. 2-351. - Title and purpose.

(a) This article may be cited as the "Palm Beach County Lobbyist Registration Ordinance."

(b) The board of county commissioners of the county and the governing bodies of the municipalities located within the county hereby determine that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their county and local governments for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; that to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence the county commissioners, members of the local municipal governing bodies, mayors or chief executive officers that are not members of local municipal governing bodies, county and municipal advisory board members, and county and municipal employees on matters within their official duties, be publicly and regularly disclosed. In accordance with Section 1.3 of the County Charter, this article shall not apply in any municipality that has adopted an ordinance in conflict governing the same subject matter.

(Ord. No. 03-018, § 1, 5-20-03; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-352. - Definitions.

Unless expressly provided herein to the contrary, for purposes of this article, the following definitions will apply:

Advisory board shall mean any advisory or quasi-judicial board created by the board of county commissioners, by the local municipal governing bodies, or by the mayors who serve as chief executive officers or by mayors who are not members of local municipal governing bodies.

Board will mean the board of county commissioners of Palm Beach County, Florida.

County commissioner will mean any member of the board of county commissioners of Palm Beach County, Florida.

Central lobbyist registration site will mean the official location for countywide lobbyist registration.

Lobbying shall mean seeking to influence a decision through oral or written communication or an attempt to obtain the goodwill of any county commissioner, any member of a local municipal governing body, any mayor or chief executive officer that is not a member of a local municipal governing body, any advisory board member, or any employee with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to the advisory board, the board of county commissioners, or the local municipal governing body lobbied as applicable.

Lobbyist shall mean any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal responsibility to the employer is overseeing the employer's various

relationships with government or representing the employer in its contacts with government. "Lobbyist" shall not include:

(1) Any employee, contract employee, or independent contractor of a governmental agency or entity lobbying on behalf of that agency or entity, any elected local official when the official is lobbying on behalf of the governmental agency or entity which the official serves, or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency or entity by which the staff member is employed.

(2) Any person who is retained or employed for the purpose of representing an employer, principal or client only during a publicly noticed quasi-judicial hearing or comprehensive plan hearing, provided the person identifies the employer, principal or client at the hearing.

(3) Any expert witness who is retained or employed by an employer, principal or client to provide only scientific, technical or other specialized information provided in agenda materials or testimony only in public hearings, so long as the expert identifies the employer, principal or client at the hearing.

(4) Any person who lobbies only in his or her individual capacity for the purpose of self-representation and without compensation.

(5) Any employee, contract employee, or independent contractor of the Palm Beach County League of Cities. Inc. lobbying on behalf of that entity.

Local municipal governing body will mean the councils and commissions of the municipalities located within Palm Beach County, Florida.

Member of local municipal governing body will mean any member of the municipal council or commission.

Official or *employee* means any official or employee of the county or the municipalities located within the county, whether paid or unpaid. The term "employee" includes but is not limited to all managers, department heads and personnel of the county or the municipalities located within the county. The term also includes contract personnel and contract administrators performing a government function, and chief executive officer who is not part of the local governing body. The term "official" shall mean members of the board of county commissioners, a mayor, members of local municipal governing bodies, and members appointed by the board of county commissioners, members of local municipal governing bodies or mayors or chief executive officers that are not members of local municipal governing body, as applicable, to serve on any advisory, quasi judicial, or any other board of the county, state, or any other regional, local, municipal, or corporate entity.

Palm Beach County Commission on Ethics means the commission established in section 2-254 et seq. to administer and enforce the ethics regulations set forth herein, and may also be referred to as the "commission on ethics" in this article.

Persons and entities shall be defined to include all natural persons, firms, associations, joint ventures, partnerships, estates, trusts, business entities, syndicates, fiduciaries, corporations, and all other organizations.

Principal shall mean the person or entity a lobbyist represents, including a lobbyist's employer or client, for the purpose of lobbying.

(Ord. No. 03-018, § 2, 5-20-03; Ord. No. 03-055, Pt. I, 11-18-03; Ord. No. 2009-051, pt. 2, 12-15-09; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-353. - Registration and expenditures.

(a) *Registration required.* Prior to lobbying, all lobbyists shall submit an original, fully executed registration form to county administration, which shall serve as the official location for countywide lobbyist registration and which shall be known as the "central lobbyist registration site." The

registration may be submitted in paper or electronic form pursuant to countywide policies and procedures. Each lobbyist is required to submit a separate registration for each principal represented. A registration fee of twenty-five dollars ($25.00) must be included with each registration form submitted. A registrant shall promptly send a written statement to county administration canceling the registration for a principal upon termination of the lobbyist's representation of that principal. This statement shall be signed by the lobbyist. Lobbying prior to registration is prohibited. It is the responsibility of the lobbyist to keep all information contained in the registration form current and up to date.

(b) *Registration form.* The registration form shall be prepared by county administration and shall require the following information:

(1) The name, phone number and address of the lobbyist;

(2) The name, phone number and address of the principal represented;

(3) The date the lobbyist was initially retained by the principal;

(4) The nature and extent of any direct business association or partnership the lobbyist and principal might have with any current county commissioner, member of a local municipal governing body, mayor or chief executive office that is not a member of a local municipal governing body, advisory board member, or employee;

(5) The area of legislative interest;

(6) A statement confirming that the registrant is authorized to represent the principal;

(7) Signatures of both the registrant and principal where such signatures may be made electronically pursuant to countywide policies and procedures; and

(8) The county or municipalities to be lobbied.

(c) *Registration exceptions.* Registration shall not be required for the following:

(1) Persons under contract with the county or municipalities as applicable who communicate with county commissioners, members of local municipal governing bodies, mayors or chief executive officers that are not members of a local municipal governing body, advisory board members or employees regarding issues related only to the performance of their services under their contract;

(2) Any attorney representing a client in an active or imminent judicial proceeding, arbitration proceeding, mediation proceeding where a mediator is present, or formal administrative hearing conducted by an administrative law judge in the division of administrative hearings, in which the county or municipality as applicable is a party, who communicates with county or municipal attorneys on issues related only to the subject matter of the judicial proceeding, arbitration proceeding, mediation proceeding, or formal administrative hearing. This exception to the registration requirement includes communications with other government officials and employees conducted during depositions, mediation, arbitration hearings or trial, judicial hearings or trial, and settlement negotiations for active litigation, so long as the county or municipal attorneys are present for those communications.

(d) *Reporting of expenditures.* Commencing November 1, 2011, and by November 1 of each year thereafter, all lobbyists shall submit to the central lobbyist registration site a signed statement under oath listing all expenditures made by the lobbyist in lobbying county or municipal officials and employees in excess of twenty-five dollars ($25.00) for the preceding fiscal year commencing on October 1 and ending on September 30. A statement shall be filed even if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure category, including food and beverage, entertainment, research, communications, media advertising, publications, travel, lodging and special events. Political contributions and expenditures which are reported under election laws as well as campaign-related personal services provided without compensation are excluded from the reporting requirements. A lobbyist or principal's salary, office overhead expenses and personal expenses for lodging, meals and travel also are excluded from the

reporting requirements. Research is an office expense unless it is performed by independent contractors rather than by the lobbyist or the lobbyist's firm.

(1) The county administrator of the central lobbyist registration site shall provide notice of violation to any lobbyist who fails to timely file an expenditure report and shall also notify the county commission on ethics of this failure. In addition to any other penalties which may be imposed under this article, any lobbyist who fails to file the required expenditure report within thirty (30) days of the date of notice of violation shall be suspended from lobbying unless the notice of violation has been appealed to the commission on ethics.

(e) *False statements.* A lobbyist shall not knowingly make, or cause to be made, a false statement or misrepresentation in maintaining registration or when lobbying county commissioners, members of local municipal governing bodies, mayors or chief executive officers that are not members of local municipal governing bodies, advisory board members, or employees.

(f) *Existing county registrations.* All registrations on file and in effect with the county before the effective date of this ordinance shall remain in full force and effect.

(Ord. No. 03-018, § 3, 5-20-03; Ord. No. 03-055, Pt. II, 11-18-03; Ord. No. 2009-051, pt. 2, 12-15-09; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-354. - Record of lobbying contacts.

(a) *Contact log.* Except when appearing before the board, local municipal governing body, or any advisory board, all persons shall sign, for each instance of lobbying, contact logs maintained and available in the office of reception of each department of county or municipal government as applicable. The person shall provide his or her name, whether or not the person is a lobbyist as defined in this article, the name of each principal, if any, represented in the course of the particular contact, and the subject matter of the lobbying contact. All contact logs shall be maintained by the county or municipality as applicable for a period of five (5) fiscal years.

(b) *Lobbying outside of county or municipal offices.* In the event that a lobbyist engages in lobbying which is outside of county or municipal offices as applicable, and which is a scheduled appointment initiated by any person for the purpose of lobbying, the lobbyist shall advise in writing the commissioner's office, the member of a local municipal governing board's office, the mayor or chief executive officer's office, the advisory board member's office, or the employee's department office as appropriate of the calendar scheduling of an appointment and the subject matter of the lobbying contact.

(Ord. No. 03-018, § 4, 5-20-03; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-355. - Cone of silence.

(a) "Cone of silence" means a prohibition on any communication, except for written correspondence, regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between:

(1) Any person or person's representative seeking an award from such competitive solicitation; and

(2) Any county commissioner or commissioner's staff, any member of a local governing body or the member's staff, a mayor or chief executive officer that is not a member of a local governing body or the mayor or chief executive officer's staff, or any employee authorized to act on behalf of the commission or local governing body to award a particular contract.

(b) For the purposes of this section, a person's representative shall include but not be limited to the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.

(c) The cone of silence shall be in effect as of the deadline to submit the proposal, bid, or other response to a competitive solicitation. The cone of silence applies to any person or person's representative who responds to a particular request for proposal, request for qualification, bid, or any other competitive solicitation, and shall remain in effect until such response is either rejected by the county or municipality as applicable or withdrawn by the person or person's representative. Each request for proposal, request for qualification, bid or any other competitive solicitation shall provide notice of cone of silence requirements and refer to this article.

(d) The provisions of this article shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meeting, presentations made to the board or local municipal governing body as applicable, and protest hearings. Further, the cone of silence shall not apply to contract negotiations between any employee and the intended awardee, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, or any written correspondence at any time with any employee, county commissioner, member of a local municipal governing body, mayor or chief executive officer that is not a member of the local municipal governing body, or advisory board member or selection committee member, unless specifically prohibited by the applicable competitive solicitation process.

(e) The cone of silence shall not apply to any purchases made in an amount less than the competitive bid threshold set forth in the county purchasing ordinance (County Code, chapter 2, article III, division 2, part A, section 2-51 et seq.) or municipal ordinance as applicable.

(f) The cone of silence shall terminate at the time the board, local municipal governing body, or a county or municipal department authorized to act on behalf of the board or local municipal governing body as applicable, awards or approves a contract, rejects all bids or responses, or otherwise takes action which ends the solicitation process.

(g) Any contract entered into in violation of the cone of silence provisions in this section shall render the transaction voidable.

(Ord. No. 03-018, § 5, 5-20-03; Ord. No. 03-055, Pt. 3, 11-18-03; Ord. No. 2009-051, pt. 2, 12-15-09; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-356. - Enforcement.

(a) If the county administrator or municipal administrator as applicable is informed of any person who has failed to comply with the requirements of this article, he or she shall conduct a preliminary investigation as deemed necessary under the circumstances. In the event the county administrator or municipal administrator as applicable determines that a violation may have occurred based on the results of the investigation, the county administrator or municipal administrator as applicable shall forward the matter to the county commission on ethics for further investigation and enforcement proceeding as set forth in article XIII of this chapter, the countywide code of ethics. For the purposes of further investigation and enforcement by the commission on ethics, a complaint submitted under this subsection by the county administrator or municipal administrator shall be deemed legally sufficient.

(b) The commission on ethics may process any other legally sufficient complaints of violations under this article pursuant to the procedures established in article XIII of this chapter.

(Ord. No. 03-018, § 6, 5-20-03; Ord. No. 2009-051, pt. 2, 12-15-09; Ord. No. 2010-043, pt. 6, 9-28-10; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Sec. 2-357. - Penalties.

Violations of this article shall be punishable as follows:

(1) Failure to properly register as required by section 3-353 of this article shall be deemed a single violation, punishable by a fine of two hundred fifty dollars ($250.00) per day for each day an unregistered lobbyist engages in lobbying activity, in an amount not to exceed a total of two thousand five hundred dollars ($2,500.00).

(2) Failure to properly provide lobbying contact information as required by section 2-354 of this article shall be punishable by a fine of two hundred fifty dollars ($250.00) for each violation.

(3) Violations of the cone of silence set forth in section 2-355 of this article shall be punishable by a fine of two hundred fifty dollars ($250.00) for each violation.

(4) Any person who knowingly makes or causes to be made a false statement or misrepresentation in maintaining a lobbyist registration shall be subject to a fine of two hundred fifty dollars ($250.00) for each violation.

(5) Any person who violates the provisions of this article more than once during a twelve-month period shall be prohibited from lobbying as follows: A second violation shall result in a prohibition of one (1) year; a third violation shall result in a prohibition of two (2) years.

(6) The penalties provided in this section shall be exclusive penalties imposed for any violation of the registration, contact log, and cone of silence requirements of this article. Willful and knowing violations of this article shall be referred by the commission on ethics to the state attorney for prosecution in the same manner as a first degree misdemeanor pursuant to F.S. § 125.69. Failure or refusal of any lobbyist to comply with any order of the commission on ethics shall be punishable as provided by law, and shall otherwise be subject to such civil remedies as the county or municipality as applicable may pursue, including injunctive relief.

(Ord. No. 03-018, § 7, 5-20-03; Ord. No. 2009-051, pt. 2, 12-15-09; Ord. No. 2011-039, § 1(Exh. 1), 12-20-11)

Secs. 2-358—2-370. - Reserved.

PALM BEACH COUNTY (CITY OF PALM BEACH GARDENS)

ARTICLE II. - CITY COUNCIL[2]

Footnotes:

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Charter reference— City council, art. IV; general powers, art. V.

Cross reference— Elections, ch. 26.

State Law reference— Code of ethics, F.S. § 112.311 et seq.; municipal home rule powers, F.S. ch. 166; open meetings, F.S. ch. 286.

DIVISION 3. - LOBBYIST REGISTRATION

Sec. 2-65. - Purpose.

The purpose of the following sections is to ensure that the activity of person(s) defined as lobbyists disclose their position and maintain a current lobbyist form on file with the city clerk for each principal, item, issue, and/or project for which the lobbyist is lobbying. The city's lobbyist registration procedures are intended to simplify and streamline lobbyist registration at the local level in order to inform the public who is lobbying city government employees and/or officials.

(Ord. No. 16, 2012, § 2(Exh. A), 5-3-2012)

Sec. 2-66. - Definitions.

[The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Lobbying shall mean seeking to influence a decision through oral or written communication or an attempt to obtain the goodwill of any member of the city council, the city manager, any advisory board member, or any employee with respect to the passage, defeat, or modification of any item which may foreseeably be presented for consideration to the advisory board or the city council, whichever body was lobbied.

Lobbyist shall mean any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal responsibility to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government.

Lobbyist shall not include:

(1) Any employee, contract employee, or independent contractor of a governmental agency or entity lobbying on behalf of that agency or entity; any elected local official when the official is lobbying on behalf of the governmental agency or entity which the official serves; or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency or entity by which the staff member is employed.

(2) Any person who is retained or employed for the purpose of representing an employer, principal, or client only during a publicly noticed quasi-judicial hearing or comprehensive plan hearing; provided the person identifies the employer, principal, or client at the hearing.

(3) Any expert witness who is retained or employed by an employer, principal, or client to provide only scientific, technical, or other specialized information provided in agenda materials or testimony only in public hearings, so long as the expert identifies the employer, principal, or client at the hearing.

(4) Any person who lobbies only in his or her individual capacity for the purpose of self-representation and without compensation.

(5) Any employee, contract employee, or independent contractor of the Palm Beach County League of Cities, Inc. lobbying on behalf of that entity.

Official or *employee* shall mean any official or employee of the city, whether paid or unpaid. The term "employee" includes, but is not limited to, the city manager, department heads, and personnel of the city. The term also includes contract personnel and contract administrators performing a government function. The term "official" shall mean members of the city council, the mayor, and members appointed by the city council to serve on any advisory, quasi-judicial, or any other board of the city, or any other regional, local, municipal, or corporate entity.

Persons and entities shall be defined to include all natural persons, firms, associations, joint ventures, partnerships, estates, trusts, business entities, syndicates, fiduciaries, corporations, and all other organizations.

Principal shall mean the person or entity a lobbyist represents, including a lobbyist's employer or client, for the purpose of lobbying.

(Ord. No. 16, 2012, § 2(Exh. A), 5-3-2012)

Sec. 2-67. - Requirements and procedures.

(a) *Registration required.* Lobbyists shall file a separate registration with the city clerk for each principal the lobbyist represents. In those instances when a lobbyist is representing a principal for multiple projects or issues, the lobbyist shall also be required to file a separate registration for each project or issue. Lobbyists may register electronically via the city's website or directly in city hall. Lobbying prior to registration is prohibited.

(b) *Registration form.* The registration form shall be prepared by the city clerk's office, approved by the city manager, and shall require the following information:

(1) The name, telephone number, and address of the lobbyist;

(2) The name, telephone number, and address of the principal represented;

(3) The date the lobbyist was initially retained by the principal;

(4) The nature and extent of any direct business association or partnership the lobbyist and principal might have with any current city councilmember, city manager, city advisory board member, or city employee;

(5) The area of legislative interest;

(6) A statement confirming that the registrant is authorized to represent the principal.

(c) *Registration exceptions.* Registration shall not be required for the following:

(1) Persons under contract with the city who communicate with city council members, the city manager, city advisory board members, or city employees regarding issues related only to the performance of their services under their contract;

(2) Any attorney representing a client in an active or imminent judicial proceeding, arbitration proceeding, mediation proceeding where a mediator is present, or formal administrative hearing conducted by an administrative law judge in the Division of Administrative Hearings in which the city is a party, who communicates with the city's attorney on issues related only to the subject

matter of the subject proceeding. This exception to the registration requirement includes communications with other government officials and employees conducted during depositions, mediation, arbitration, hearings or trial, judicial hearings or trial, and settlement negotiations for active litigation, so long as the city's attorney is present for those communications.

(d) *False statements.* A lobbyist shall not knowingly make, or cause to be made, a false statement or misrepresentation in maintaining registration or when lobbying city council members, the city manager, city advisory board members, or city employees.

(e) *County registration not preempted.* Registration with the City of Palm Beach Gardens does not relieve any lobbyist of his/her/its obligation to register with Palm Beach County or any other municipality, if such registration is required.

(Ord. No. 16, 2012, § 2(Exh. A), 5-3-2012)

Sec. 2-68. - Penalties.

Violations of this division shall be punishable as follows:

(1) Failure to properly register as required by section 2-66 of this division shall be deemed a single violation, punishable by a fine of two hundred fifty dollars ($250.00) per day for each day an unregistered lobbyist engages in lobbying activity.

(2) Failure to properly provide lobbying contact information as required by section 2-66 of this division shall be punishable by a fine of two hundred fifty dollars ($250.00) for each violation.

(3) Any person who knowingly makes or causes to be made a false statement or misrepresentation in maintaining a lobbyist registration shall be subject to a fine of two hundred fifty dollars ($250.00) for each violation.

(4) Any person who violates the provision of this article more than once during a 12-month period shall be prohibited from lobbying as follows: a second violation shall result in a prohibition of one (1) year; a third violation shall result in a prohibition of two (2) years.

(5) The penalties provided in this section shall be exclusive penalties imposed for any violation of the requirements of this division.

(Ord. No. 16, 2012, § 2(Exh. A), 5-3-2012)

Sec. 2-69. - Enforcement.

The provisions of this division shall be enforced in accordance with article IV, code enforcement of this chapter and/or any other means available under the law.

(Ord. No. 16, 2012, § 2(Exh. A), 5-3-2012)

Secs. 2-70—2-80. - Reserved.

PALM BEACH COUNTY (CITY OF RIVIERA BEACH)

ARTICLE IV. - OFFICERS AND EMPLOYEES[9]

Footnotes:

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Cross reference— Powers and duties of officers, § 2-5; bond of officials and employees, § 2-6; city personnel prohibited from accepting gifts, discounts, etc., § 2-7; code enforcement officer, § 2-311; fire chief, § 6-3; general employees pension program, § 14-21 et seq.; social security, § 14-101 et seq.; personnel, ch. 15; police department, § 16-21 et seq.; reserve police force, § 16-61 et seq.; director of planning, § 27-51 et seq.

State Law reference— Code of ethics for public officers and employees, F.S. § 112.311 et seq.; suspension or removal of board members, F.S. § 112.501; public records act, F.S. § 119.01 et seq.; public meetings law, F.S. § 286.01 et seq.

DIVISION 1.5. - LOBBYIST REGISTRATION

Sec. 2-162. - Title and purpose.

(a) This division shall be cited as the "City of Riviera Beach Lobbyist Registration Ordinance."

(b) The city council hereby determines that the operation of responsible government requires that the fullest opportunity be afforded to the people to petition their city government for the redress of grievances and to express freely to the elected officials their opinions on legislation and other actions and issues; to preserve and maintain the integrity of the governmental decision-making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence city council, advisory board members, and employees on matters within their official duties, be publicly and regularly disclosed.

(Ord. No. 4001, § 1, 9-7-11)

Sec. 2-163. - Definitions.

Unless expressly provided herein to the contrary, for purposes of this division, the following definitions will apply:

Advisory board means any advisory or quasi-judicial board created by the city council.

City Council or *council* means the mayor or any member of the City of Riviera Beach City Council.

Employee means all personnel employed by the City of Riviera Beach.

Lobbying means seeking to influence the decision of the mayor or any city council person, any advisory board member, or any employee with respect to the passage, defeat or modification of any item anticipated to be presented for consideration to the city council or the city's advisory boards as applicable.

Lobbyist means any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal or most significant responsibilities to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. "Lobbyist" shall not include any employee as defined by this division when acting in the course of his or her employment, any elected official when the official is lobbying on behalf of the governmental agency which

the official serves, or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency by which the staff member is employed.

Person means individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations (profit or not-for-profit), professional corporations, or associations, and all other groups or combinations however constituted.

Principal means the person or entity a lobbyist represents for the purpose of lobbying.

(Ord. No. 4001, § 1, 9-7-11)

Sec. 2-164. - Registration and expenditures.

(a) *Registration required.* Prior to lobbying, all lobbyists shall submit an original, fully executed registration form to the city clerk. A separate registration is required for each principal represented. A registration fee of $25.00 must be included with each registration form submitted. A registrant shall promptly send a written statement canceling the registration for a principal upon termination of the lobbyist's representation of that principal. This statement shall be signed by the lobbyist. Lobbying prior to registration is prohibited.

(b) *Registration form.* The registration form shall require the following information: 1) the name and address of the lobbyist; 2) the name and address of the principal represented; 3) the date the lobbyist was initially retained by the principal; 4) the nature and extent of any direct business association or partnership the lobbyist and principal might have with any current city councilperson, advisory board member, or employee; 5) the area of legislative interest; and 6) a statement confirming that the registrant is authorized to represent the principal. The form shall be signed by the registrant and the principal.

(c) *Registration exceptions.* Registration shall not be required for the following:

(1) City council members, advisory board members or employees discussing matters relevant to their official duties;

(2) Persons under contract with the city who communicate with city council persons, advisory board members or employees regarding issues related only to the performance of their services under their contract;

(3) Any person who lobbies only in his or her individual capacity for the purpose of self-representation;

(4) Any person who appears before the city council or advisory board in a quasi-judicial proceeding; or

(5) A representative of a labor union or an employee of the city who is a member of a labor union which has a collective bargaining agreement with the city.

(d) *Reporting of expenditures.* Commencing October 1, 2011, and on October 1 of each year thereafter, the lobbyist shall submit to the city clerk a signed statement under oath listing all expenditures made by the lobbyist in lobbying city officials and employees in excess of $25.00 for the preceding year. A statement shall be filed even if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure category, including food and beverage, entertainment, research, communications, media advertising, publications, travel, lodging and special events.

(1) The administration shall provide notice of violation to any lobbyist who fails to timely file an expenditure report and shall also notify the Palm Beach County Commission on Ethics of this failure. In addition to any other penalties which may be imposed under this division, any lobbyist who fails to file the required expenditure report within 30 days of the date of notice of violation shall be suspended from lobbying unless the notice of violation has been appealed to the commission on ethics.

(e) *False statements* . A lobbyist shall not knowingly make, or cause to be made, a false statement or misrepresentation in maintaining registration or when lobbying city councilpersons, advisory board members, or employees.

(Ord. No. 4001, § 1, 9-7-11)

Sec. 2-165. - Record of lobbying contacts.

(a) *Contact log.* Except when appearing before the city council or any advisory board, all persons shall sign, for each instance of lobbying, contact logs maintained and available in the office of each department of city government. The person shall provide his or her name, whether or not the person is a lobbyist as defined in this division, the name of each principal, if any, represented in the course of the particular contact, and the subject matter of the lobbying contact. All contact logs shall be transmitted to the city manager at the end of each calendar quarter.

(b) *Lobbying outside of city offices.* In the event that a lobbyist engages in lobbying which is outside of city offices, and which is a scheduled appointment initiated by any person for the purpose of lobbying, the lobbyist shall advise the city manager's office, legislative office, or the employee's department as appropriate of the calendar scheduling of an appointment and the subject matter of the lobbying contact.

(Ord. No. 4001, § 1, 9-7-11)

Sec. 2-166. - Cone of silence.

(a) Cone of silence means a prohibition on any communication, except for written correspondence, regarding a particular request for proposal, request for qualification, bid, or any other competitive solicitation between:

  (1) Any person or person's representative seeking an award from such competitive solicitation; and

  (2) Any city councilperson or legislative staff, or any employee authorized to act on behalf of the council to award a particular contract.

(b) For the purposes of this section, a person's representative shall include, but not be limited to, the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.

(c) The cone of silence shall be in effect as of the deadline to submit the proposal, bid, or other response to a competitive solicitation. The cone of silence shall remain in effect and subject to the terms of this section for any person or person's representative who responds to a particular request for proposal, request for qualification, bid, or any other competitive solicitation, and such response is either rejected by the city or withdrawn by the person or person's representative. Each request for proposal, request for qualification, bid or any other competitive solicitation shall provide notice of cone of silence requirements and refer to this division.

(d) The provisions of this division shall not apply to oral communications at any public proceeding, including pre-bid conferences, oral presentations before selection committees, contract negotiations during any public meeting, presentations made to the council, and protest hearings. Further, the cone of silence shall not apply to contract negotiations between any employee and the intended awardees, any dispute resolution process following the filing of a protest between the person filing the protest and any employee, or any written correspondence at any time with any employee, city council member, or advisory board member or selection committee member, unless specifically prohibited by the applicable competitive solicitation process.

(e) The cone of silence shall not apply to any purchases made in an amount less than the competitive bid threshold set forth in the city procurement ordinance.

(f) The cone of silence shall terminate at the time the city council or the city manager, acts on behalf of the city, awards or approves a contract, rejects all bids or responses, or otherwise takes action which ends the solicitation process.

(g) Any contract entered into in violation of the cone of silence provisions in this section shall render the transaction voidable.

(Ord. No. 4001, § 1, 9-7-11)

Sec. 2-167. - Enforcement.

(a) If the administration is informed of any person who has failed to comply with the requirements of this division, the administrator shall conduct a preliminary investigation as deemed necessary under the circumstances. In the event it is determined that a violation may have occurred based on the results of the investigation, the city manager shall forward the matter to the Palm Beach County Commission on Ethics for further investigation and enforcement proceeding as set forth by the code of ethics procedures. A complaint submitted under this subsection by the city manager or designee shall be deemed legally sufficient evidence of such violation to transfer the matter to the Palm Beach County Commission on Ethics for further investigation and enforcement proceedings.

(b) The commission on ethics may process any other legally sufficient complaints of violations under this division pursuant to the procedures established.

(Ord. No. 4001, § 1, 9-7-11)

Sec. 2-168. - Penalities.

Violations of this division shall be punishable as follows:

(a) Failure to properly register as required by section 2-164 of this division shall be deemed a single violation, punishable by a fine of $250.00 per day for each day an unregistered lobbyist engages in lobbying activity, in an amount not to exceed a total of $2,500.00.

(b) Failure to properly provide lobbying contact information as required by section 2-165 of this division shall be punishable by a fine of $250.00 for each violation.

(c) Violations of the cone of silence set forth in section 2-166 of this division shall be punishable by a fine of $250.00 for each violation.

(d) Any person who knowingly makes or causes to be made a false statement or misrepresentation in maintaining a lobbyist registration shall be subject to a fine of $250.00 for each violation.

(e) Any person who violates the provisions of this division more than once during a twelve-month period shall be prohibited from lobbying as follows: A second violation shall resultin a prohibition of one year; a third violation shall result in a prohibition of 2 years.

(f) The penalties provided in this section shall be exclusive penalties imposed for any violation of the registration, contact log, and cone of silence requirements of this division. Willful violations of this division may be referred by the commission on ethics to the state attorney for prosecution. Failure or refusal of any lobbyist to comply with any order of the commission on ethics shall be punishable as provided by law, and shall otherwise be subject to such civil remedies as the city may pursue, including injunctive relief.

(Ord. No. 4001, § 1, 9-7-11)

Secs. 2-169—2-175. - Reserved.

PALM BEACH COUNTY (CITY OF WEST PALM BEACH)

ARTICLE VII. - CITY OF WEST PALM BEACH CODE OF ETHICS

DIVISION 5. - DISCLOSURE FOR DOING BUSINESS WITH CITY

Sec. 2-581. - Lobbyist registration.

(a) *Definitions.* Unless expressly provided herein to the contrary, for purposes of this section, the following definitions will apply:

Lobbying shall mean seeking to influence the decision of any city commissioner, any advisory board member, any employee or any other decision maker with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to such entities as applicable.

Lobbyist shall mean any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal. "Lobbyist" shall not include any employee as defined in this article when acting in the course of his or her employment, any elected local official when the official is lobbying on behalf of the governmental agency which the official serves, or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency by which the staff member is employed.

(b) *Registration required.* All lobbyists shall register with city administration before engaging in lobbying. Every lobbyist shall submit a form prepared by city administration and shall state his or her name, address, the name and address of each principal represented, the general and specific areas of legislative interest, and the nature and extent of any direct business association or partnership with any current city commissioner, advisory board member, employee or other decision maker. A lobbyist's registration shall automatically expire on December 31 of the year of registration. If at any time during the year, a lobbyist commences representing a principal for which the lobbyist has not registered pursuant to this article, such lobbyist shall register with respect to that principal prior to lobbying. Lobbying prior to registration is prohibited.

(c) *Registration exceptions.* Registration shall not be required for the following:

(1) City commissioners, advisory board members employees or other decision makers discussing matters relevant to their official duties;

(2) Persons under contract with the city who communicate with city commissioners, advisory board members or employees regarding issues related only to the performance of their services under their contract;

(3) Any person who lobbies only in his or her individual capacity for the purpose of self-representation;

(4) Any person who appears before the city commission or advisory board or other decision maker in a quasi-judicial proceeding.

(d) *Prohibited lobbying.* No person, firm or corporation or others representing such person, firm or corporation who or which has submitted a bid or proposal to the city shall contact or lobby the mayor, any city commissioner, city staff, or evaluation committee member regarding such bid or proposal, nor any other person authorized on behalf of the city related to the bid or proposal, from the time the bid or proposal is submitted to the city to the time an award has been made.

(e) *False statements.* A lobbyist shall not knowingly make, or cause to be made, a false statement or misrepresentation in maintaining registration or when lobbying city commissioners, advisory board members, employees or other decision makers.

(Ord. No. 4080-07, § 2, 10-9-2007)

PINELLAS COUNTY

ARTICLE IX. - LOBBYISTS[10]

Footnotes:

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Editor's note— Ord. No. 13-06, § 1, adopted Feb. 26, 2013, amended Art. IX in its entirety to read as herein set out. Former Art. IX, §§ 26-271—26-275, pertained to similar subject matter and derived from Ord. No. 97-19, §§ 1—5; Ord. No. 02-97, § 2, adopted Dec. 3, 2002; Ord. No. 06-01, § 1, adopted Jan. 10, 2006.

Sec. 26-271. - Findings and intent.

The intent of the board of county commissioners in adopting an ordinance relating to lobbying is to protect rights guaranteed by the First Amendment to the United States Constitution to speak, publish and petition governmental officials, while at the same time protecting the citizens' rights to open government as guaranteed by sec. 24, Art. I, Florida Constitution. To that end, the board finds it necessary to impose reasonable regulations prohibiting lobbying in only certain limited circumstances, while otherwise allowing open access to government officials. In balancing the important yet competing rights of its citizens protected by the federal and state constitutions and to promote transparency and integrity in the decision making process, the board finds it necessary to require disclosure of certain activities related to lobbying as more fully set forth herein.

(Ord. No. 13-06, § 1, 2-26-13)

Sec. 26-272. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Clerk means the board records section of the Pinellas County Clerk of the Circuit Court.

Compensation means any payment received or to be received by a lobbyist for the performance of lobbying activities. The compensation is a fee, salary, retainer, forbearance, forgiveness or any combination thereof.

Expenditure means a payment, distribution, loan, advance, reimbursement, deposit or anything of value made by a lobbyist or a principal for the purpose of lobbying.

Lobbying means communicating, directly or indirectly, outside a duly noticed public meeting or hearing on the record with a member of the board of county commissioners, for the purpose of encouraging the passage, defeat or modification of any item pending before the county commission. Lobbying shall include all forms of communication, whether oral, written, or electronic.

Lobbyist means a person who for compensation engages in lobbying as defined in this article.

Principal means the person, firm, corporation or other entity which has retained or employed a lobbyist.

(Ord. No. 13-06, § 1, 2-26-13)

Sec. 26-273. - Registration of lobbyists.

All lobbyists shall register and re-register, as applicable, prior to January 1 of each year. Registration forms shall be in the manner designated by the county administrator. The lobbyist shall provide his or her name, business address, the name and business address of each principal represented, the general and specific areas of legislative interest, and the nature and extent of any direct business association or partnership with any current member of the board.

(Ord. No. 13-06, § 1, 2-26-13)

Sec. 26-274. - Prohibition of lobbying in certain procurement matters.

Lobbying shall be prohibited on all county competitive selection processes and contract awards as set forth in section 2-189, Pinellas County Code.

(Ord. No. 13-06, § 1, 2-26-13)

Sec. 26-275. - Record of lobbying contacts.

All lobbyists shall sign the visitor logs, maintained and available online and in the office reception areas of the county commission, prior to meeting with a county commissioner. The lobbyist shall state his or her name; the name of each principal, if applicable, represented in the course of the particular contact; and the topic of the contact. Notice of any such meeting shall be transmitted to each county commissioner. The visitor logs shall be maintained by the clerk and shall be available for public inspection. In the event that a lobbyist or principal engages in lobbying which is initiated outside of county offices, the lobbyist or principal shall provide the information required above to the clerk within 48 hours of such lobbying contact.

(Ord. No. 13-06, § 1, 2-26-13)

Sec. 26-276. - Statement of lobbying expenditures.

A lobbyist shall annually on or before January 1 of each year submit to the clerk's office a signed statement under oath listing all lobbying expenditures for the preceding calendar year, the sources of the funds, and an itemization as to the amount expended for each member of the board of county commissioners by each registered lobbyist. The statement shall be made in the manner designated by the county administrator.

The clerk of the board of county commissioners shall maintain the expenditure statements in a manner which shall be open for public inspection. On January 1 of each year, the clerk shall notify any registered lobbyist who has failed to file the required report. Any lobbyist who has further failed to file by February 1, in addition to any other penalty provided for herein, shall not be permitted to reregister as a lobbyist or to engage in any further lobbying activities.

(Ord. No. 13-06, § 1, 2-26-13)

Sec. 26-277. - Exceptions.

(a) The following persons shall not be required to register:

(1) An elected official or government employee acting in his official capacity or in connection with his job responsibilities.

(2) A person who appears at the specific request or under compulsion of the commission, board or staff member.

(3) Expert witnesses or other persons who give testimony about a particular matter or measure but do not advocate passage or defeat of the matter or measure or any amendment thereto.

(4) Any person who appears at a public hearing or administrative proceeding or quasi-judicial proceeding before the county commission, any board or staff member and has no other communication on the matter or subject of the public hearing, administrative hearing or quasi-judicial proceeding.

(5) Any person in contractual privity with the county who appears only in his or her official capacity.

(b) This article shall not apply to discussion or negotiations on matters in litigation or in matters in anticipation of litigation.

(Ord. No. 13-06, § 1, 2-26-13)

Sec. 26-278. - Violations; penalties.

(a) The penalties for violations of this article shall be as provided in section 1-8 of the County Code.

(b) Any person who violates the provisions of this article more than once during a 12-month period shall be prohibited from lobbying as follows: A second violation shall result in a prohibition of one year; a third violation shall result in a prohibition of two years.

(c) The validity of any action or determination of the commission, board or staff shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 13-06, § 1, 2-26-13)

PINELLAS COUNTY (CITY OF CLEARWATER)

ARTICLE VIII. - REGISTRATION OF LOBBYISTS

Sec. 2.700. - Definitions.

[For the purposes of this article, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.]

Compensation means any payment received or to be received by a lobbyist for the performance of lobbying activities. The compensation is a fee, salary, retainer, forbearance, forgiveness or any combination thereof.

Expenditure means a payment, distribution, loan, advance, reimbursement, deposit or anything of value made by a lobbyist or a principal for the purpose of lobbying.

Lobbying means meeting privately with a member of the city council, for the purpose of encouraging the passage, defeat or modification of any item pending before the city council.

Lobbyist means any person who for compensation engages in lobbying as defined in this article.

Principal means the person, firm, corporation or other entity which has retained or employed a lobbyist.

(Ord. No. 6002-96, § 3-21-96; Ord. No. 6047-96, § 1, 6-6-96; Ord. No. 6058-96, § 1, 7-18-96; Ord. No. 6111-96, § 1, 12-5-96; Ord. No. 7448-05, § 1, 8-4-05)

Sec. 2.701. - Registration.

All lobbyists shall sign in, at the time of the lobbying, in a notebook for that purpose in the city council reception area. Annually, they shall also register on a registry of lobbyists maintained and available for public inspection in the office of records and Legislative services, on or before January 1 of each year following the lobbying activity. The lobbyist shall provide his or her name, business address, the name and business address of each principal represented, the general and specific areas of legislative intent, and the nature and extent of any direct business association or partnership with any current member of the council. The city clerk shall provide forms on which the lobbyists may supply the aforesaid information.

In the event any lobbying meeting as defined herein occurs outside of city offices in Clearwater, the lobbyist shall register on or before January 1 of each year following the lobbying activity.

(Ord. No. 6002-96, § 1, 3-21-96; Ord. No. 6058-96, § 2, 7-18-96; Ord. No. 7448-05, § 1, 8-4-05)

Sec. 2.702. - Reserved.

Sec. 2.703. - Statement of lobbying expenditures.

A lobbyist shall annually on or before January 1 of each year submit to the city clerk a signed statement under oath listing all lobbying expenditures for the preceding calendar year, the source of the funds and an itemization as to the amount expended for each councilmember by each registered lobbyist. The statement shall be made on forms provided by the city clerk.

The city clerk shall maintain the expenditure statements in a book or file which shall be open for public inspection. On January 1 of each year, the clerk shall notify any registered lobbyist who has failed to file the required report. Any lobbyist who has further failed to file by February 1, in additions to any other penalty provided for herein, shall not be permitted to reregister as a lobbyist or to engage in any further lobbying activities.

(Ord. No. 6002-96, § 1, 3-21-96; Ord. No. 6111-96, § 2, 12-5-96; Ord. No. 7448-05, § 1, 8-4-05)

Sec. 2.704. - Exceptions.

(a) The following persons shall not be required to register:

(1) An elected official or government employee acting in his official capacity or in connection with his job responsibilities.

(2) A person who appears at the specific request or under compulsion of the council;

(3) Expert witnesses or other persons who give testimony about a particular matter or measure but do not advocate passage or defeat the matter or measure or any amendment thereto.

(4) Any person who appears at a public hearing or administrative proceeding or quasi-judicial proceeding before the city council and has no other communication on the matter or subject of the public hearing, administrative hearing or quasi-judicial proceeding.

(5) Any person in contractual privity with the city who appears only in his or her official capacity.

(b) This article shall not apply to discussion or negotiations on matters in litigation.

(Ord. No. 6002-96, § 1, 3-21-96; Ord. No. 7448-05, § 1, 8-4-05)

Note— Formerly § 2.705.

Sec. 2.705. - Violations.

(a) A first violation of the provisions of this article shall result in the issuance of a warning by the city attorney's office. The penalties for subsequent violations are as provided in section 1.12 of the Code of Ordinances of the City of Clearwater.

(b) The validity of any action or determination of the commission shall not be affected by the failure of any person to comply with the provisions of this article.

(Ord. No. 6002-96, § 1, 3-21-96; Ord. No. 7448-05, § 1, 8-4-05)

Note— Formerly § 2.706.