

ORDINANCE NO. 2020-28

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE CODE OF ETHICS FOR ELECTED OFFICIALS ("CODE"); AMENDING SECTION 1-19(c)(5)(b) OF THE CODE; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Vice-Mayor Steve Geller)

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

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

WHEREAS, the County's Code of Ethics for Elected Officials ("County Ethics Code") imposes numerous more stringent ethical standards, including disclosure requirements where Elected Officials engage in campaign contribution fundraising on behalf of other candidates for elected public office;

WHEREAS, it is common for Elected Officials to demonstrate their support for candidates for elected public office by participating as members of host committees or by including their names on letters of support or endorsement cards;

WHEREAS, in any given election cycle, an Elected Official may engage in multiple campaign contribution fundraising efforts on behalf of the same candidates for elected public office; and

WHEREAS, the Board of County Commissioners ("Board") finds that the County Ethics Code's purpose of keeping the public informed of an Elected Official's campaign contribution fundraising efforts can be accomplished without requiring an Elected Official

1 to disclose each time he or she is listed as a member of a host committee or his or her
2 name appears on a letter of support or endorsement card, NOW, THEREFORE,

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

5 Section 1. Section 1-19(c)(5)(b) of the Broward County Code of Ordinances is
6 hereby amended to read as follows:

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

8 ...

9 (c) *Standards of Conduct.* In addition to the provisions of Chapter 112, Part III,
10 Florida Statutes, Code of Ethics for Public Officers and Employees; Chapters 838 and
11 839, Florida Statutes; Title 18, Chapter 63 of the United States Code; and Chapter 26,
12 Article V of the Broward County Code of Ordinances, ~~see~~ Section 26-67, et seq., the
13 following Standards of Conduct shall apply to each Elected Official.

14 ...

15 (5) *Solicitation and Receipt of Contributions.*

16 ...

17 b. Campaign Contribution Fundraising.

18 1. It is the intent of this code to promote the full and complete
19 transparency of campaign contributions received by Elected
20 Officials, consistent with the disclosure requirements provided
21 by state statute.

22 2. Any campaign finance disclosure that an Elected Official must
23 submit to the Supervisor of Elections, or to the appropriate
24 municipal election official, in accordance with the provisions

1 of Chapter 106, Florida Statutes, ~~shall~~ must,
2 contemporaneously, be filed for public inspection. Where
3 such disclosure forms are inputted into a separately
4 maintained searchable-by-internet public database, the "filed
5 for public inspection" requirement ~~shall~~ will be deemed met by
6 providing a link to that separate database on the
7 governmental website on which the other disclosure forms
8 filed by Elected Officials of that governmental entity may be
9 accessed.

- 10 3. An Elected Officials who solicits campaign contributions for
11 another candidates for public office ~~shall~~ must disclose, on a
12 form created by the Office of the County Attorney, the name
13 of the candidate for whom they Elected Official ~~are~~ is
14 soliciting, the location and date of any associated event, and
15 both the name and contribution amounts of any individual who
16 provided contributions, directly or indirectly, to the Elected
17 Officials for subsequent delivery to the candidate. The form
18 ~~shall~~ must be filed for public inspection within fifteen (15) days
19 after ~~the solicitation of funds by each time~~ the Elected Officials
20 solicits funds. However, where any solicitation of funds
21 results merely through the Elected Official being listed as a
22 member of a host committee or merely through the Elected
23 Official signing an endorsement card that authorizes the
24 endorser's name to be used for fundraising activities (each,

an "Indication of Support"), the Elected Official must file the required disclosure within fifteen (15) days after the earliest Indication of Support, and such disclosure will remain in effect until the conclusion of the applicable general election or for two (2) years from the date of filing such disclosure, whichever period is shorter, and the information contained thereon is not required to be updated during such period. The disclosure requirements in this subsection do not apply where an Elected Official merely endorses a candidate but does not expressly allow the candidate to use the Elected Official's name in any fundraising efforts, or where the Elected Official attends or speaks at any event, including campaign fundraising events, provided the Elected Official does not ask others to make any financial contribution to the candidate's campaign and further provided the Elected Official does not receive any campaign contributions for subsequent delivery to the candidate.

4. An Elected Official ~~may~~ must not use any staff or other resources of ~~his or her~~ their governmental entity~~ies~~ 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.

...

Section 2. Severability.

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

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

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

Section 4. Effective Date.

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

ENACTED August 25, 2020

FILED WITH THE DEPARTMENT OF STATE September 1, 2020

EFFECTIVE September 1, 2020

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

By /s/ Rocio Blanco Garcia 05/19/2020
Rocio Blanco Garcia (date)
Assistant County Attorney

RBG/jl
Campaign Contribution Fundraising
05/19/2020
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Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscoring type are additions.