

ORDINANCE NO. 2023-10

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO LOBBYING; AMENDING SECTION 1-19 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

WHEREAS, in 2018 Florida voters approved an amendment to the Florida Constitution ("Amendment 12") that prohibits local officials, including county commissioners, from lobbying local, state, or federal legislative bodies and administrative agencies on issues of policy, appropriation, or procurement while in office;

WHEREAS, on December 6, 2022 (Agenda Item No. 59), the Board of County Commissioners ("Board") enacted certain amendments to the lobbying provisions of the Broward County Code of Ordinances, including to address recent state legislation implementing Amendment 12;

WHEREAS, on February 28, 2023, the United States District Court for the Southern District of Florida granted a preliminary injunction suspending enforcement of a portion of Amendment 12 pending resolution of the case, *Rene Garcia v. Kerrie J. Stillman*, No. 22-cv-24156 (S.D. Fla.); and

WHEREAS, the Office of the County Attorney has recommended further amendments pending resolution of the referenced litigation,

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

Section 1. Section 1-19 of the Broward County Code of Ordinances is hereby amended to read as follows:

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

...

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

...

(2) *Outside/Concurrent Employment.*

- a. Effective January 1, 2024, unless earlier amended or repealed,  
~~Notwithstanding anything to the contrary in this Section 1-19, the~~  
lobbying prohibitions applicable to Elected Officials shall be the same as under Article II, Section 8 of the Florida Constitution and Sections 112.3121 and 112.3122, Florida Statutes, inclusive of all applicable definitions set forth therein, as amended. Prior to January 1, 2024, an Elected Official who engages in lobbying activities or acts as a lobbyist, as each of these terms are defined herein, where the lobbying communication is with a Covered Individual whose governmental entity is located in Broward County, must disclose such lobbying activities within fifteen (15) days after the lobbying activity. The disclosure must be filed for public

48 inspection on a form approved by the Office of the County Attorney  
49 and must provide all information set forth in Section 1-19(c)(3)b. of  
50 the Broward County Code of Ordinances.

51 . . .

52 Section 2. Severability.

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

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

60 It is the intention of the Board of County Commissioners that the provisions of  
61 this Ordinance become part of the Broward County Code of Ordinances as of the  
62 effective date. The sections of this Ordinance may be renumbered or relettered and the  
63 word "ordinance" may be changed to "section," "article," or such other appropriate word  
64 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 March 14, 2023

FILED WITH THE DEPARTMENT OF STATE March 21, 2023

EFFECTIVE March 21, 2023

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

By: /s/ Kristin M. Carter 03/01/2023  
Kristin M. Carter (date)  
Assistant County Attorney

By: /s/ René D. Harrod 03/01/2023  
René D. Harrod (date)  
Chief Deputy County Attorney

KMC/jl  
Elected Officials Lobbying Amendment  
03/21/2023  
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Coding: Words ~~stricken~~ are deletions from existing text. Words underlined are additions to existing text.