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ORDINANCE NO. 2010-22

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, CREATING CHAPTER 1, ARTICLE II, SECTION 1-19, OF THE BROWARD COUNTY CODE OF ORDINANCES, RELATING TO A CODE OF ETHICS FOR THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS; CREATING AN OFFICE OF INSPECTOR GENERAL TO INVESTIGATE AND PROVIDE FOR THE ENFORCEMENT OF THE CODE OF ETHICS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

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 created to read as follows:

Sec. 1-19. Code of Ethics for the Broward County Commission.

(a) Statement of Policy.

It is the policy of Broward County that the Board of County Commissioners works for the benefit of the citizens of the County. A County Commissioner shall not receive any personal economic or financial benefit resulting from his or her service on the Board beyond legally authorized direct County compensation. It is the responsibility of each County Commissioner 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. To that end, the voters of Broward County created Section 11.08 of the Broward County Charter, which requires the Board

1 of County Commissioners to consider a Code of Ethics ("Code") drafted by the Broward
2 County Ethics Commission, with the sole and express purpose of regulating the
3 behavior of the Broward County Commissioners. Upon the adoption of this Code by
4 either the Board of County Commissioners or by the electors of Broward County, the
5 Board of County Commissioners shall, as expeditiously as possible but no longer than
6 120 days after adoption, enact an ordinance consistent with the Resolution previously
7 adopted by the Board which would impose the Code, where applicable and appropriate,
8 on County staff and advisory boards.

9 (b) Standards of Conduct.

10 In addition to the provisions of Florida Statutes Chapter 112, Part III, Code of
11 Ethics for Public Officers and Employees; Florida Statutes Chapters 838 and 839; Title
12 18, Chapter 63 of the United States Code; and Chapter 26, Article V of the Broward
13 County Code of Ordinances, sec. 26-67 et seq., the following Standards of Conduct
14 shall apply to the individual members of the Broward County Board of County
15 Commissioners.

16 The operative words or terms used in this Code, unless otherwise defined
17 herein, shall be as defined, in order of priority in the event of inconsistency, by Part III of
18 Florida Statutes Chapter 112, the Broward County Code of Ordinances and the Broward
19 County Administrative Code. The terms "registered lobbyist" or "lobbyist", "lobbying" or
20 "lobbying activities", "vendor" and "contractor" shall be as construed and defined in the
21 Broward County Lobbyist Registration Act and the Broward County Procurement Code.
22 The term "relative" shall be as defined in Florida Statutes section 112.3135 and the term
23 "immediate family" shall be as defined in Florida Statutes section 112.3148.

24 (1) Acceptance of Gifts.

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- 1 a. County Commissioners, their spouses or registered domestic
2 partners, other relatives and office staff, shall not accept gifts,
3 directly or indirectly, regardless of value, from lobbyists registered
4 with the County or any principal or employer of any such registered
5 lobbyist, or from vendors or contractors of Broward County.
- 6 b. County Commissioners may accept gifts from other sources given
7 to them in their official capacity, where not otherwise inconsistent
8 with the provisions of Florida Statutes Chapter 112, Part III, up to a
9 maximum value of \$50.00 per occurrence. Gifts given to a County
10 Commissioner in his or her official capacity up to \$50.00 in value
11 are deemed to be *de minimis*. The above restrictions and
12 limitations do not apply to gifts given to County Commissioners in
13 their personal (non-official) capacity, and such gifts are still subject
14 to the reporting requirements of Florida Statutes section 112. 3148.

15 (2) Outside/Concurrent employment.

- 16 a. County Commissioners shall not be employed as a lobbyist or
17 engage in lobbying activities before municipalities within Broward
18 County, or before other local governmental entities within Broward
19 County, including taxing authorities, quasi judicial boards,
20 appointed boards, and commissions, except on behalf of Broward
21 County as authorized by action of the Board of County
22 Commissioners. This form of employment and activity is deemed to
23 be in substantial conflict with the proper discharge of a
24 Commissioner's duties in the public interest.

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1 b. County Commissioners may engage in other employment
2 consistent with their public duties and where not otherwise
3 inconsistent with the provisions of Florida Statutes Chapter 112,
4 Part III. All outside or concurrent employment by a County
5 Commissioner, including employment pursuant to contract, as well
6 as any remuneration received from that employment, must be
7 disclosed quarterly on a form provided by the County Attorney's
8 Office. The disclosure form must be completely legibly and filed for
9 public inspection in a database designated by the County
10 Administrator, which database shall be searchable both in hard
11 copy and by internet.

12 c. A spouse or registered domestic partner, immediate family
13 members and office staff of a County Commissioner shall not
14 engage in lobbying activities before the Board of County
15 Commissioners or before other local governmental entities within
16 Broward County, including taxing authorities, quasi judicial boards,
17 appointed boards and commissions, or otherwise conduct business
18 as a vendor or contractor with Broward County.

19 (3) Lobbyists.

20 a. County Commissioners should avoid even the appearance of
21 impropriety in their interaction and dealings with lobbyists
22 registered under the Broward County Lobbyist Registration Act and
23 the principals or employers of lobbyists.
24

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1 b. To promote full and complete transparency, lobbyists and their
2 principals or employers who intend to meet or otherwise
3 communicate with a County Commissioner for the purpose of
4 engaging in lobbying activities, either at the Commissioner's offices
5 or elsewhere on County government premises, must register by
6 completing a contact log as provided under Sec. 1-267 of the
7 Broward County Code of Ordinances. This registration shall be
8 made for each individual County Commissioner the lobbyist,
9 principal or employer intends on meeting or communicating with.

10 1. The registration shall include the lobbyist's name; the name
11 of his or her principal, including the employer or business;
12 the name of the entity for which he or she is lobbying; the
13 name of the County Commissioner he or she is meeting or
14 communicating with; the date and time of the meeting; and
15 the specific purpose and subject matter of the meeting.

16 2. The registration shall be made contemporaneous with the
17 meeting, shall be legible, and shall be filed for public
18 inspection in a database designated by the County
19 Administrator, which database shall be searchable both in
20 hard copy and by internet.

21 c. To further promote full and complete transparency, County
22 Commissioners must disclose any and all lobbying activity that
23 knowingly occurs between themselves and individual lobbyists or
24 their principals or employers outside of their County Commission

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1 offices. This shall include communicating by any form of telephonic
2 or electronic media.

3 1. The disclosure shall include the lobbyists name; the
4 lobbyist's principal, including his or her employer or
5 business; the entity for which he or she is lobbying; the date,
6 time and location of the meeting; and the specific purpose
7 and subject matter of the meeting.

8 2. The disclosure shall be made within ten (10) business days
9 of the lobbying activity, but must, in any event, be made prior
10 to any vote on a matter that was the subject of the lobbying
11 activity.

12 3. The disclosure shall be made in a legible manner and filed
13 for public inspection in a database designated by the County
14 Administrator, which database shall be searchable both in
15 hard copy and by internet.

16 (4) Honest Services.

17 a. A County Commissioner may not engage in a scheme or artifice to
18 deprive another of the material intangible right of honest services or
19 any activity in contravention of his or her duty to provide loyal
20 service and honest governance for the residents of Broward
21 County.

22 b. This section shall be construed, to the extent possible, in
23 accordance with the standards and intent set forth under 18 U.S.C.
24 s.1346, as may be amended, and Florida Statutes Chapter 838.

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1 (5) Solicitation and Receipt of Contributions.

2 a. Charitable Contribution Fundraising.

3 1. The solicitation of funds by a County Commissioner for a
4 non-profit charitable organization, as defined under the
5 Internal Revenue Code, is permissible so long as there is no
6 quid pro quo or other special consideration, including any
7 direct or indirect benefit between the parties to the
8 solicitation.

9 2. To promote the full and complete transparency of any such
10 solicitation, a County Commissioner shall disclose, on a form
11 provided by the County Attorney's Office, the name of the
12 charitable organization, the event for which the funds were
13 solicited, and the name of any individual or entity that may
14 have promoted the solicitation. The form shall be completed
15 legibly and shall be filed for public inspection in a database
16 designated by the County Administrator, which database
17 shall be searchable both in hard copy and by internet.

18 3. County Commissioners may not use County staff or other
19 County resources in the solicitation of charitable
20 contributions.

21 4. The requirements and prohibitions of this subpart shall not
22 apply to Broward County sponsored charities or fundraising
23 events.

24 b. Campaign Contribution Fundraising.

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1. It is the intent of this Code to promote the full and complete transparency of campaign contributions received by County Commissioners, consistent with the disclosure requirements provided by state statute.
2. Any campaign finance disclosure that a County Commissioner must submit to the Supervisor of Elections in accordance with the provisions of Florida Statutes Chapter 106 shall, contemporaneously, be filed for public inspection in a database designated by the County Administrator, which database shall be searchable both in hard copy and by internet.
3. County Commissioners who solicit campaign contributions for other candidates for public office shall disclose, on a form provided by the County Attorney's Office and filed for public disclosure in a manner designated by the County Administrator, the name of the candidate for which 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 County Commissioner for subsequent delivery to the candidate.
4. County Commissioners may not use County staff or other County resources in the solicitation or receipt of campaign contributions.

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1 which database shall be searchable both in hard copy and by
2 internet.

3 (c) Training and Education.

4 (1) New County Commissioners shall receive a minimum of four (4) hours of
5 training from the Office of the County Attorney on the topics of the
6 Sunshine Law, public records and public service ethics. The County
7 Commissioner shall certify or acknowledge his or her participation in this
8 training through the County Administrator. Additional training for new
9 Commissioners offered by the Florida Association of Counties is strongly
10 encouraged.

11 (2) Each member of the Board of County Commissioners shall, on an annual
12 basis, attend or participate in a minimum of eight (8) hours of continuing
13 education training on the topic of public service ethics. These programs
14 may be available through regional universities, municipal or local
15 government organizations, or the state or regional Bar associations. The
16 County Commissioner shall annually certify or acknowledge his or her
17 participation in this program through the County Administrator.

18 (d) Enforcement.

19 (1) Office of Inspector General.

20 a. Created and Established.

21 1. The Office of Inspector General is created to detect
22 misconduct involving waste, fraud, abuse, mismanagement,
23 corruption, as well as the violation of County and municipal
24 ordinances, state or federal statutes, and the state and

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1 federal constitution by any member of the Board of County
2 Commissioners.

3 2. The Inspector General shall head the Office.

4 3. The organization and administration of the Office of
5 Inspector General shall be independent to assure that no
6 interference or influence external to the Office of Inspector
7 General adversely affects the objectivity of the Inspector
8 General.

9 b. Functions, Authority and Powers.

10 1. The authority of the Inspector General shall extend over the
11 Board of County Commissioners.

12 2. Upon a determination by the Inspector General that good
13 cause exists, including but not limited to the receipt of a filed
14 complaint or a credible published report, the Inspector
15 General shall commence an investigation of any member of
16 the Board of County Commissioners.

17 3. Any complaint received by the Office of Inspector General
18 that is made against a candidate for the office of County
19 Commissioner and received within sixty (60) days of the date
20 of the election shall be held in abeyance until the election is
21 determined or, if the complaint is made within sixty (60) days
22 of a primary election, until the general election is determined
23 if the individual against whom the complaint was filed
24 remains a candidate in the general election.

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4. The Inspector General shall have the authority to investigate any member of the Board of County Commissioners. Each member of the Board of County Commissioners shall fully cooperate with the Inspector General.
5. In connection with an investigation, the Inspector General shall have the power to subpoena witnesses, administer oaths, and require the production of documents and records.
6. The Inspector General shall have the authority to prepare reports and recommendations based upon its investigation.
7. Upon a finding of probable cause and the good faith belief that a violation of a state, federal or local law, rule, regulation or policy has occurred, the Inspector General shall notify the appropriate civil, criminal or administrative agencies charged with enforcement of said violation.
 - a) The Inspector General shall refer findings of alleged criminal offenses to 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 Florida Statutes Chapter 112, Part III, to the Florida Commission on Ethics.
 - c) Civil infractions involving local ordinances or code provisions not covered by Florida Statutes Chapter 112, Part III shall be stated in a complaint brought in

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the name of the Inspector General on behalf of Broward County, which complaint shall be referred to a Hearing Officer randomly chosen from among the panel of hearing officers selected by the Inspector General Selection-Oversight Committee. Upon the finding of a violation, the Hearing Officer shall impose sanctions in accordance with Florida Statutes sections 112.317 and 125.69, or as provided within this Code.

i. In addition to all other authority granted in this section, the hearing officer shall have the authority to:

- a. Issue notices of hearings;
- b. Administer oaths and affirmations;
- c. Issue subpoenas authorized by law, including those requiring the attendance of witnesses and the preservation and production of documents and other items which may be used as evidence;
- d. Rule upon motions presented and offers of proof and receive relevant evidence;

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- e. Issue appropriate orders to effectuate discovery;
 - f. Regulate the course of the hearing;
 - g. Dispose of procedural requests or similar matters; and
 - h. Enter any order, consistent with his or her authority, to carry out the purposes of this chapter.
- ii. Except to any extent inconsistent with any provision of this subsection, the Florida Rules of Civil Procedure and Florida Evidence Code, as amended, shall apply to hearings under this section.
- iii. Within thirty (30) days after completion of the hearing, the hearing officer shall issue a final order determining whether a violation of the Code has occurred. The final order shall contain detailed findings of fact and conclusions of law. If a violation has occurred,

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1 the final order shall specify the sanction(s)
2 imposed.

3 iv. Orders issued by the hearing officer, including
4 the final order, are subject to judicial review as
5 provided by applicable law.
6

7 8. The Inspector General shall provide adequate notice to the
8 subject of any investigation and an opportunity to be heard
9 with respect to the charges or allegations made.

10 9. The Inspector General's records related to active
11 investigations shall be and are confidential and exempt from
12 disclosure, as provided by F.S. 112.3188(2).

13 10. The Inspector General shall be deemed "an appropriate local
14 official" for purposes of whistleblower protection provided by
15 F.S. 112.3188(1).

16 11. The Inspector General may recommend remedial action and
17 may follow up to determine whether recommended remedial
18 actions have been taken.

19 12. The Inspector General shall establish policies and
20 procedures and monitor the costs of investigations
21 undertaken.

22 13. The Inspector General is hereby deemed to be a public
23 official and shall be subject to all applicable provisions of this
24 Code.

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1 c. Minimum Qualifications, Selection and Term of Office.

2 1. Minimum qualifications. The Inspector General shall be a
3 person who:

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

6 1) as a Federal, State or local Law Enforcement
7 Officer;

8 2) as a Federal or State court judge;

9 3) as a Federal, State or local government
10 attorney with expertise in investigating fraud,
11 mismanagement and corruption; or

12 4) as a person with progressive supervisory
13 experience in an investigative public agency
14 similar to an inspector general's office.

15 b) Has managed and completed complex investigations
16 involving allegations of fraud, theft, deception and
17 conspiracy;

18 c) Has demonstrated the ability to work with local, state
19 and federal law enforcement agencies and the
20 judiciary;

21 d) Has a four-year degree from an accredited institution
22 of higher learning;

23 e) Has experience in the management of a private or
24 public entity; and

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- f) Has not been employed by Broward County or served in an elected office within the State of Florida during the five (5) year period immediately prior to selection.
- 2. Highly qualified candidates will also have audit-related skills and/or hold one 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).
- 3. 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:
 - 1) The Chief Judge of Seventeenth Judicial Circuit or, if he or she is unable or unwilling to serve, then his or her designee.
 - 2) The State Attorney of the Seventeenth Judicial Circuit or, if he or she is unable or unwilling to serve, then his or her designee.

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3) The Public Defender for the Seventeenth Judicial Circuit or, if he or she is unable or unwilling to serve, then his or her designee.

4) The Special Agent in charge of the Miami Regional Operation Center of the Florida Department of Law Enforcement or, if he or she is unable or unwilling to serve, then his or her designee.

5) The Dean of the Nova Southeastern University Law Center or, if he or she is unable or unwilling to serve, then his or her designee. In the event that no individual in this category agrees to serve, the Selection-Oversight Committee shall fill the vacancy.

c) In the event any of the above individuals are unable or unwilling to serve, the members of the Selection-Oversight Committee shall fill the vacancy by majority vote.

d) 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.

e) The Human Resources Division of Broward County shall be responsible for providing staffing to the

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Selection-Oversight Committee and for the solicitation of qualified candidates for the position of Inspector General.

f) In addition to its other responsibilities under this Code, the Selection-Oversight Committee shall select qualified hearing officers to preside over hearings in connection with civil infractions as specified above.

g) In addition to the factors specified above, 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.

4. Term. The Inspector General shall be appointed for a term of four (4) years. The Selection-Oversight Committee shall convene at least six (6) months prior to the end of each contract term to determine whether to renew the contract of the Inspector General or solicit new candidates.

5. 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.

6. The presence of all five (5) members of the Selection-Oversight Committee is necessary to constitute a quorum for

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1 purposes of any vote to select or remove the Inspector
2 General. For all other votes, a quorum shall consist of three
3 (3) or more members being present.

4 d. Contract. The Director of the Broward County Human Resources
5 Division, with the assistance of the County Attorney of Broward
6 County, shall negotiate a contract of employment with the Inspector
7 General substantially consistent with the terms included in
8 contracts of other contractual employees of Broward County.

9 e. Physical Facilities and Staff.

10 1. The County shall provide the Office of Inspector General
11 with appropriately located office space and sufficient
12 physical facilities together with necessary office supplies,
13 equipment and furnishings to enable the Office to perform its
14 functions.

15 2. The Inspector General shall have the power to appoint,
16 employ, and remove such assistants, employees and
17 personnel, and establish personnel procedures as deemed
18 necessary for the efficient and effective administration of the
19 activities of the Office of Inspector General.

20 3. The Office of the County Auditor shall be a resource to the
21 Inspector General and shall make staff available as
22 necessary to assist the Inspector General in its
23 investigations.
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1 f. Procedure for Finalization of Reports and Recommendations Which
2 Make Findings as to the Person or Entity Being Reviewed or
3 Inspected. The Inspector General shall publish and deliver
4 finalized reports and recommendations to the Board of County
5 Commissioners and to the Offices represented on the Selection-
6 Oversight Committee. Whenever the Inspector General concludes
7 a report or recommendation which contains findings as to a
8 member of the Board of County Commissioners, the Inspector
9 General shall provide the affected County Commissioner with a
10 copy of the report or recommendation and the County
11 Commissioner shall have ten (10) working days to submit a written
12 explanation or rebuttal of the findings before the report or
13 recommendation is finalized. A timely submitted written
14 explanation or rebuttal shall be attached to the finalized report or
15 recommendation. The requirements of this subsection shall not
16 apply when the Inspector General, in conjunction with the State
17 Attorney or United States Attorney, determines that supplying the
18 County Commissioner with such report will jeopardize a pending
19 criminal investigation.

20 g. Reporting.

21 1. The Inspector General shall annually prepare and publish a
22 written report to all covered entities concerning the work and
23 activities of the Office of Inspector General including, but not
24 limited to, statistical information regarding the disposition of

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1 closed investigations. The annual report of the Inspector
2 General shall, promptly after it is completed, be posted on
3 Broward County's public website and presented to the
4 Selection-Oversight Committee.

5 2. The Selection-Oversight Committee shall convene at least
6 annually, shortly after its receipt of the annual report, to
7 consider the report and the performance of the Inspector
8 General. Other meetings of the Committee may be set by
9 majority vote during the annual meeting or at the request of
10 the Inspector General. A meeting to vote upon setting a
11 public hearing to consider removal of the Inspector General
12 shall be set by the Chairperson upon his or her own volition
13 or upon being requested to do so by any member of the
14 Committee.

15 h. Financial Support and Budgeting.

16 1. The Charter Government of Broward County shall be
17 responsible for the funding of the Office of Inspector
18 General.

19 2. Pursuant to its annual budget process, the Broward County
20 Board of County Commissioners shall provide sufficient and
21 adequate financial support for the Inspector General's Office
22 to fulfill its duties. The costs of reviews, inspections and
23 investigations by the Inspector General may be defrayed in
24 part by the imposition of a fee imposed by the County which

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1 shall be equal to one quarter of one percent (0.25%) of the
2 contract price (hereinafter "IG contract fee") added to each
3 County contract, as well as a fee on lobbyist registrations.

- 4 3. The Inspector General shall timely deliver to the Board of
5 County Commissioners a budget request including a
6 reasonable estimate of operating and capital expenditures.
7 The budget request shall include funds to enable the
8 Inspector General to retain outside counsel to represent the
9 Inspector General in connection with complaints referred to a
10 hearing officer. The Inspector General's budget shall not be
11 implemented until a public hearing is held by the Broward
12 County Board of County Commissioners. The Inspector
13 General shall establish a fiscal year which coincides with
14 that of Broward County. Nothing contained herein shall be
15 construed to prohibit the Inspector General from transmitting
16 to the Board of County Commissioners supplemental budget
17 requests, which shall be scheduled for a public hearing and
18 if approved by the Commission, shall constitute amendments
19 to the county budget. The Board of County Commissioners'
20 approval of the Inspector General's budget request shall not
21 be unreasonably withheld.

- 22 i. Removal. The Inspector General may be removed only for cause
23 based upon specified charges of the following: neglect of duty,
24 abuse of power or authority, discrimination, or ethical misconduct.

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1 Removal shall be considered at a duly noticed public hearing of the
2 Selection-Oversight Committee. The Inspector General shall be
3 provided sufficient advance notice of the reasons for the possible
4 removal, and shall be given an opportunity to be heard on the
5 charges. The Inspector General may only be removed upon the
6 affirmative vote of no fewer than three (3) members of the
7 Selection-Oversight Committee.

8 (2) Sanctions.

9 a. Fines.

- 10 1. A County Commissioner who violates any provision of this
11 Code shall be assessed a monetary fine of between \$250.00
12 and \$5,000.00 per violation.
- 13 2. Additionally, the Hearing Officer may order the
14 Commissioner to pay restitution or to disgorge any sums
15 wrongfully received by the Commissioner or by any relative
16 of the Commissioner or entity substantially affiliated with the
17 Commissioner.
- 18 3. In determining the amount of the fine, the Hearing Officer
19 shall consider:
- 20 a) The gravity of the violation;
 - 21 b) Whether it was intentional; and
 - 22 c) Whether it is a repeat offense.
- 23
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1 4. The Hearing Officer may determine that no fine shall be
2 imposed upon making an affirmative, express finding that the
3 violation was unintentional and *de minimis*.

4 b. Public Reprimand/Censure.

5 1. A County Commissioner who is found to have violated any
6 provision of this Code shall be subject to public reprimand or
7 censure.

8 c. Incarceration.

9 1. A County Commissioner who is convicted of a violation of
10 this Code may, pursuant to Florida Statutes section 125.69,
11 be subject to imprisonment for a maximum of sixty (60) days,
12 in addition to a fine and public censure.

13 Section 2. RESTRICTIONS ON AMENDMENT.

14 Except as to any amendments required as a result of changes in governing law:

15 (a) The Board of County Commissioners may at any time strengthen or
16 supplement the restrictions and protections provided under this Code, but
17 the restrictions and protections hereof may be weakened or removed, in
18 whole or in part, only by citizen initiative as referenced in Section 7.01 of
19 the Broward County Charter.

20 (b) If any Court determines that the above-provided requirement of a citizen
21 initiative is inconsistent with applicable law, then, to the full extent
22 permitted under applicable law, the restrictions and protections of this
23 Code may be weakened or removed, in whole or in part, only by an
24

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

1 affirmative vote of a majority plus (1) member of the full Board of County
2 Commissioners.

3 Section 3. SEVERABILITY.

4 If any portion of this Ordinance is determined by any Court to be invalid, the
5 invalid portion shall be stricken, and such striking shall not affect the validity of the
6 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
7 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
8 or circumstance(s), such determination shall not affect the applicability hereof to any
9 other individual, group, entity, property, or circumstance.

10 Section 4. INCLUSION IN CODE.

11 It is the intention of the Board of County Commissioners that the provisions of
12 this Ordinance shall become and be made a part of the Broward County Code; and that
13 the sections of this Ordinance may be renumbered or re-lettered and the word
14 "ordinance" may be changed to "section," "article," or such other appropriate word or
15 phrase in order to accomplish such intentions.

16 Section 5. EFFECTIVE DATE.

17 This ordinance shall become effective as provided by law.

18
19 ENACTED August 10, 2010

20 FILED WITH THE DEPARTMENT OF STATE August 16, 2010

21 EFFECTIVE August 16, 2010

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23 RLT/ab
02/17/10
24 CodeofEthics2010.doc
10-405

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